28 Nov

Inclosed No 100.

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Consulate of the United States of America
Havana November 11th 1839.

Hon: John Forsyth
Secretary of State.

Sir,

In my No 97, under date the 5th ult, I had the honor to acknowledge the receipt on that day, of your favor of the 14th of September, enclosing by direction of the President, a copy of the letter addressed to him by Edward Rossiter and others, a Committee appointed "to confer with the proper authorities in reference to the recall of N. P. Trist, United States Consul at Havana," and a copy also of "the record of the pro=ceedings" of the "numerous meeting of Ship-masters and ship-owners convened in this city (New York) on the evenings of the 8th and 14th" of August last, where=at said Committee had been appointed.

The matters pertaining to the subject upon which those meetings were held, are so multifarious, and my progress has been so impeded by a variety of causes, (operative, chiefly, through the absence of

the

the Vice-Consul, who has not yet returned) that it has proved impossible for me, as yet, to bestow any other attention than a mere perusal, upon the proceedings in question.

The approaching departure of Captain Adams of the Packet Ship St. Thomas, of New York, who, having just sold his vessel, is about to return to that place, has, however, rendered it necessary that I should now act upon the subject, so far as to secure his testimony in regard to the truth of one of the statements made at the meeting, and deemed worthy of its sanction as part of the grounds on which the appeal to the Government for the dismissal of a worthless agent was to be based. Having thus been compelled to take up this point, I will dispose of it at once, by transmitting the testimony obtained.

The statement referred to is that of "Captain Clark", which, (as shall be fully demonstrated hereafter) constitutes a fair sample of the justice of the proceedings of which it forms part. It is in these words:

"Captain Clark stated that he did not believe Mr Trist was in Havana. He never saw him, and could never find him. Early in July he was wrecked near Havana, and his case required the advice of an American Consul, and he remained five days, and during

during that time Mr. Trist was absent, and Captain Clarke was compelled to leave for New York, which he did in the Ship St. Thomas, without seeing him. Had such a man a right to hold such a responsible station? Certainly not."

It has so happened, that the communication from the Department containing the foregoing statement, has been brought here by the same Ship St. Thomas, captain Richard Adams, in which "Captain Clark was compelled to leave for New York," after spending "five days" in fruitless efforts to find the American Consul.

Upon turning to my No 85, under date July 5. communicating the intelligence, brought by one of the passengers of the Brig Merced of New York, Daniel Clark master, of the loss of that vessel on the isle of Pines, a postscript will be found, under date July 16, in the following words:

"The detention today of the packet St Thomas enables me to add that the master, crew and other passengers of the Merced reached here last evening, with the exception of two of the seamen, who being English preferred to go to the Caymans. Captain Clark speaks in high terms of the treatment experienced from the Comandant at the Isle of Pines."

This postscript was written <u>at my office</u>, from the report there made to me by the Vice-Consul,

who

who had there received a visit from Captain Clarke, either on that day or on the evening previous. I think, the latter.

Of the reliance to be placed upon Captain Clarke's affirmation of a fact, an idea is afforded by the reply of Captain Adams under date the 9th inst (Enclosure No. 2) to my letter under the same date, copy whereof is enclosed, (Enclosure No. 1.)

It will be there perceived that Captain Clarke's "five days" were comprehended between the afternoon of the 15th and the morning (between 7 and 8 o'clock probably) of the 17th of July; and it will not escape attention, that Captain Adams, who first saw and first heard of his passenger, captain Clarke, in the afternoon of the 15th of July, did not, on that occasion, nor during the ensuing day, nor during the passage to New York, ever hear a word of captain C's want of Consular advice, and the impossibility of finding the Consul!

It will be seen that, in his reply No. 9, Captain Adams states that Captain Clarke and his party "arrived by the cars on the 15th. I cannot state precisely at what hour. I got my information from a young man called Thomas, clerk to Mr Cabarga."

Upon enquiry of Thomas, he says that Captain Clark presented himself at the store, (Cabarga's Ship-chandlery) about half past two p.m. and,

and, making known his case, requested assistance for the purpose of getting the baggage of himself and party brought in from the rail-road, by which he had just arrived. As soon as dinner at the store was over, Thomas despatched one of the boys, in company with Captain Blank, to the rail-road. Upon their return, (which cannot have been in less time than from half-an-hour to an hour; making the time between four and five p.m.) captain Blank requested to be shewn the way to the Consulate. The same lad was sent with him, and returned in a minute or two, saying that he had left captain B. talking with either the Consul or the Vice-Consul, (Thomas does not recollect which).

It is clear then, that, reference being had to office-hours, (from 9. till 3.) captain Blank was in Havana only one day; to wit, the 16th of July; and that if he visited the Consulate on the 15th, the day of his arrival, this could only have happened at a late hour of the afternoon, or in the evening; when he had no right to expect to find any one at the office, nor to obtain admittance if he did. But this is a truth whereof an habitual unmindfulness has come to be established in respect to the American Consulate during my incumbency.

In

In the above quoted postscript to my letter of July the 5th., I speak of the arrival of captain Clarke and his passengers as having occurred "last evening." This was doubtless but a repetition of the words used by Mr Smith in reporting the matter to me. The only particulars of sufficient im-portance to engage my attention were, that he had received good treatment from the authorities at the isle of Pines; and that his crew were accounted for. The precise route by which he had reached here, though, very probably mentioned to me, (and it would have enabled me to ascertain the precise moment of their arrival) was so little attended to as to have been utterly forgotten. 'Tis very probable also that Captain Clark, on reaching the Consulate, did ask for the Con-sul; and, whether the Consul was out or in at the time of his call, it is certain that he was received by the Vice-Consul, and had the opportunity to des-patch with him whatever business he might have with the office. But, that he had business of any kind which failed to be properly attended to, and promptly, is utterly untrue. Had he had business urgently requiring my personal attention, it would not have failed to receive it within an hour or half hour after his application; or had he intimated a particular desire for a personal interview with me, that desire could not have

failed

failed to be fulfilled in the course of the same time, at furthest. But nothing of the sort happened; and his want of "advice" may safely be set down for as pure a fiction as that of his "five days" at Havana. The very first step taken, upon reaching a Consulate, by a Ship-master who has experienced, or even suspects that he has experienced, any disaster; and who supposes that he may need Consular proceedings in consequence, is, to "note protest." and, upon examining the books, I find that he did not even do this.

The first part of this statement of Captn. Clark is so contrived as to produce the impression that he has been a frequent visitor at Havana: he "never saw" the Consul, "and could never find him." Upon enquiry among our oldest and most regular traders to this port, it would appear that this visit, (caused by the casualty of his losing his vessel on the South side of the island, on a voyage from Trinidad to New York) is the first and only visit ever paid by Captain Clark to the port of Havana!

Seeing what grounds were possessed by him for any creed on the subject, it would appear superfluous to bestow any notice upon Captain C's disbelief in Mr. Trist's being at Havana. The truth however upon this point may as well be told: Since my return to this post in

November

November 1836, I have never, for one single day, been absent from Havana. My family were, of course, desirous to see something of the country; and I was anxious to gratify their curiosity. A trip by the rail-road into the interior, and another by the steamer along the coast to Matanzas, were in constant contemplation during upwards of two years that they passed with me. But, owing to the fact that I never had a single day to call my own, they left the country without ever having been further from the city gates than a morning or evening ride could take them. During the last year, my physician was, at several periods, particularly urgent that I should make an excursion of a week or ten days; and it was a subject of entreaty and remonstrance from my wife: but, so constant has been the pressure of urgent matters upon my hands, that I could never do more than promise compliance so soon as it should prove possible; and that time never came.

You now have, Sir, a specimen of the manner in which all these charges against me are destined to be disposed of, so soon as time shall be allowed me for the purpose. Not only are they all founded in utter misrepresentation, but they generally, if not invariably, carry marks of a wantonness and recklessness of untruth, which, (like the altogether unnecessary and gratuitous "five days" falsehood, in the present case,) tend greatly to facilitate the task of exposing their real character. —

I am, Sir, very respectfully
Your Obed't Serv't
A. G. Mills.

Post.

Postscript, November 13th — I have the satisfaction to announce the return of Mr. Smith, which took place last evening in the Ship Norma, from New York.

The Ship Cristoval Colon which was to sail this morning, (and in which Captain Adams goes passenger) is detained; and I avail myself of this circumstance, to add to the foregoing statement concerning captain Clarke such particulars as Mr. Smith can furnish.

He is under the impression that captain Clarke did see me; which might very possibly have happened without my retaining any recollection of it. What he remembers, with perfect distinctness, however, is, that he asked captain Clarke if he wished to "note protest," and was told in reply, "no: that he had got all the documents he wanted."

Mr. Smith states, that after the departure of Captain Clarke, one of the sailors whom he had brought and left here under the care of the Consulate, came to enquire whether they were upon the footing of "distressed men". He was told no: that Captain Clarke had reported having paid their wages and their expenses to this port. Thereupon the man observed, that captain Clarke would not recover his insurance: for he would not sign his protest. This caused

Mr.

Mr. Smith to enquire whether the protest had not been extended and signed at the isle of Pines: the answer to which was, that it had not.

Mr. Smith says that upon receiving this intelligence, it occurred to him as likely that Captain Clark, by not noting and extending his protest here, before his separation from the crew, would find himself in difficulty about the insurance.

This incident throws a ray of light upon the subject. Who knows but that the "five days" falsehood, (which seemed at first to be so purely gratuitous) had, before the meeting at New York took place, been resorted to by captain Clark as a device to save him from blame with his owners, for not doing as he ought to have done, in extending his protest here; and perhaps, also, to practice deceit upon the underwriters? I would beg leave to suggest, that enquiry be made upon this point; and, if it should appear that there has been any swearing about seeking for Consular "advice", and waiting "five days" to obtain it, that the virtue of the law for the prevention of perjury be tested by a prosecution. —

Mr. Smith says that he has no recollection of ever having seen or heard of Captain Clark before.

He has turned to his memorandum books, and found there, under the date of July 15th the entry

made

made by him on that day, a copy of which I have requested him to make, and will be enclosed herein (Enclosure No. 9.). It will be noted, that it conclusively establishes the fact, that his interview with the Vice-Consul took place on the afternoon of his arrival here. No doubt, within two minutes (for the Consulate is about one minute's slow walking from Cabanga's store) after the disposition to have such interview first arose in his mind. —

N.P.T.

Havana - Consulate, No. 100. Enclosure No. 1.

(Copy)

Consulate of the United States of America
Havana, November 9th 1839.

To Captain Richard Adams
Packet Ship St. Thomas of New York.

Sir,

Your departure hence in July last was delayed in consequence of the arrival from Batabano, on the other side of the island, of the master and passengers of the Brig Merced of New York, Daniel Clarke master, (which had been wrecked on the isle of Pines) some of whom wished to take passage with you to New York if you would wait for them.

I will ask the favor of you to consult your log-book, and then give me written replies to the following questions:

1. For what day had your departure from this port been fixed, when you were applied to, to postpone it on account of those passengers?

2. On what day, and at what time of day, was this application made to you?

3. To the best of your knowledge and belief, on what day and at what time of day had captain Clarke and his passengers reached here?

4. How long did you agree to wait for them?

5. How long did you wait for them ?

6. On what day and time of day did you s

7. Which of these persons did you take a
passengers ?

8. Where, and at what time, did you firs
see Captain Clark ?

9. Did you learn from him, or from any o
his passengers, at what time they had
reached this city ? (If yea state that tim

10. On the passage to New York, or before, a
did you ever learn from Captain Clark, o
from any of his passengers, that he had
wanted to see the American Consul, an
could not find him ? or anything to
that effect ?

I am, Sir, very respectfully
Your Obed.t Serv.t

S. L. Hill.

Rec. Nov 11 '39

Havana Nov 9. 1839

To N. P Trist Esq.
Consul of the U.S.

Sir

I have received your favor of this date and will state in reply to your questions as follows.

1. My departure had been fixed for the 16th of July 1839.

2. The application was made to me on the day before, to wit on the 15 of July. It was made in the afternoon.

3. To the best of my knowledge and belief they had reached here the same afternoon.

4. I agreed to wait for them one day.

5 I waited for them one day.

6. I sailed on the morning of the 17th.

7. I took Captain Clark, Mr Malbiran, his Grand child and servant as passengers.

8. at the store of Mr Joseph Cabarga: about 4 oclock in the afternoon of the 15th.

9. They arrived by the cars on the 15th. I cannot state precisely what hour. I got my information from a young man called Thomas, clerk to Mr Cabarga.

10. No. Capt. Clarke nor any of his passengers never mentioned any thing of the kind to me.

Very respectfully
Your Obed. Serv.t
Richd Adams
master of Ship St Tho
of New York.

P. S. The above facts I am willing to swear to at any time if necessary:

Havana Consulate No. 100. Enclosure No. 2.

This certf^t not to be copied.

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That on the day of the date hereof, before me personally appeared John A. Smith, Vice Consul of this Consulate, and, being duly sworn, did depose to the truth of the certificate hereunto attached.

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 13th *day of* November, *in the year of our Lord, one thousand eight hundred and thirty* Nine *and of the Independence of the United States the* 64th

N. P. Trist.

Havana Consulate No. 100. Enclosure No. 3.

July 15th 1839.

The crew of the Brig Merced, lost on the Isle of Pines.

Ebenezer Jones.
William Dodman.
Joshua Williams.
Rufus Smith.
Abraham Jackson.
George Wilson.
Albany Baker 1st mate.
James H Ludlow.

Their wages paid to them all by the Captain, also their expenices to this Port.

Capt Clarke reported them, and stated they were not distressed seamen. –

I John A. Smith, Vice Consul of the United States at Havana, do hereby certify that the foregoing is a true & exact copy of an entry made by me on the 15th day of July last, in a book used by me for making similar memorandums.

Witness my hand at Havana, this 13th day of November 1839.

J. A. Smith.

2 28 Nov
Washington

No. 101.

Consulate of the United States of America
Havana, Novr. 13. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

With the view to obtain corroboration to some testimony, to be transmitted from hence on the subject of the case of Captain Wendell, I have drawn up two sets of questions (Enclosures Nos 1. & 2.) which I beg leave to request may be transmitted to some proper person at Salem, with instructions to ask the favor of W. Storey to give replies to them under oath.

I would further suggest, that if it be deemed advisable to ascertain the standing of W. Storey, steps be taken for that purpose.

I am, Sir, very respectfully,
Your Obt. Servt.
N. P. Trist.

P.S. It will be perceived that the object of these questions is, to obtain from W. Charles W. Storey,

for

~~formerly~~ of Salem, formerly a merchant at Havana, evi=
dence in regard to the character and repute of the follow=
ing persons, towit:

1. W^m. John A. Smith, Vice-Consul of the U. S. of A.
at Havana.
2. W^m. Edward Spalding, of Connecticut, merchant at
Havana, of the house of DeConinck & Spalding, who
were the consignees of the Brig Kremlin.
3. W^m. William S. Bruce, of Boston, Wharf Clerk to
DeConinck & Spalding.
4. W^m. Ferdinand Clark, of Boston, merchant at Ha=
vana.

A. P. J.

Havana Consulate N° 101. Enclosure N°. 1.

Questions
to be put to
Charles W. Storey Esqre of Salem, Massachusetts,
formerly of the house of Scull, Storey & Co. of Havana.

1. Of what place are you a native?
2. Have you resided at Havana?
3. How long, and at what period or periods?
4. Have you visited the place since you ceased to reside there? (If yea, state when.)
5. Do you consider yourself conversant with the character of the American population of the place?
6. Are you personally acquainted with M^r. John A. Smith, now Vice-Consul of the United States at Havana?
7. How long have you been so?
8. Have your opportunities been good for forming a correct estimate of his character?
9. What opinion do you entertain of him in regard to the following qualities, viz:
   1. Probity.
   2. Discretion.
   3 Moderation, forbearance and good-temper.
   4. Kindness of disposition and obligingness.

10.

10. Do you know any one less likely to approve of oppression or insult, practised by an American Consul upon any fellow citizen, whether a ship-master or a sailor? Or in any way to take sides with a Consul capable of so conducting himself?

11. To the best of your knowledge and belief, in what estimation is he held among the respectable American citizens at Havana, or in the habit of visiting that place?

The same questions, from No 6 to No 11. both inclusive, to be severally put in regard to:

1. Mr Edward Spalding of Connecticut, merchant at Havana.

2. Mr Wm S. Bruce of Boston, wharf clerk of the house of DeConnick and Spalding of Havana.

Copy of that already made it is written.

Questions

to be put to

Charles W. Storey, Esqr. of Salem, Massachusetts, formerly of the house of Scull, Storey & Co. of Havana.

1. Of what place are you a native ?
2. Have you resided at Havana ?
3. How long, and at what period or periods ?
4. Have you visited the place since you ceased to reside there ? (If yea, state when.)
5. Do you consider yourself conversant with the American population of the place ?
6. Are you acquainted, personally or by reputation with Mr. Ferdinand Clark of Boston, now an American merchant at Havana ?
7. How long have you been so ?
8. To the best of your knowledge and belief, is he held in good repute, or in bad repute, among the American citizens of good character, resident at Havana, or in the habit of visiting that place ?
9. To the best of your knowledge and belief, is he associated with by the American residents, or frequent visitors, of good character ? Does he visit, or is he visited by, any one of them ?
11. To the best of your knowledge and belief as to his character, have you ever known a merchant less

worthy

worthy to be trusted ?

12. To the best of your knowledge and belief, it, or it not the name, "Ferdinand Clark" or "Fernando Clark," a perfect by-word among the American, English, German, and all English-speaking residents at Havana; which always awakens the expectation of some piece of roguery, remarkable only for its impudence and barefacedness ?

13. To the best of your knowledge and belief, does, or does not, the following train of incidents (which were the common talk of Havana a few months ago,) afford a correct idea of Mr. Ferdinand Clark's career and character:

Mr W. W. Caldwell, an American merchant at New Orleans, having had commercial transactions with Mr. Ferdinand Clark, owed him a balance of about 500; - which was attached by due process of law at New Orleans, by two several attachments; one of which was at the suit of a house in London, the other at the suit of Mr. B. C. Clark of Boston. — Upon Mr. Caldwell's visiting Havana, in the spring of the present year (1839) Mr F. Clark made a demand for the balance due, (encreased by several hundred dollars beyond the balance acknowledged to be due) which Mr. Caldwell declined paying, on the ground of the two subsisting attachments upon it; whereupon Mr. F. Clark threatened vengeance against Mr. Caldwell, unless he should yield compliance to his demand.

Soon after this, Mr. Caldwell was, to his utter astonishment, waited upon by Dr. Bumstead of Havana, (well

(well known as a bosom associate of Mr. F. Clarke) who pro=
=duced to Caldwell a pagaré, or promissory note bearing his signature, for the amount of the balance claimed by Clarke, which note was drawn to the order of Clarke, and indorsed by him to Bumstead.

Caldwell acknowledged the signature, but denied having ever affixed it to the note, or to any thing but some blanks, which, on a former visit to Havana, had been left by him in the hands of Clarke, to be filled up with a bill of Exchange that was to be drawn upon certain conditions. The bill had not been drawn; and, according to Caldwell's statement, he had several times made in vain a request that the blanks should be returned to him. He named several persons, both in Havana and New Orleans (among them Mr John Morland of Boston) whose testimony could establish, from Clark's own communications to them, the fact of such blanks having been left in his hands.

The pagare was put in suit; but the prospect being seen to be, pretty clearly, that there would be a judicial confirmation of the universal belief, that, the note was a fabrication of Clarke and Bumstead's, the suit languished. Mr Caldwell having concluded his business at Havana, took the usual steps for obtaining a passport; wherein no opposition was encountered, as it usually is, when a debtor attempts to leave the country contrary to the wish of any one having a claim upon him. The passport was regularly issued; and, for the sake of the accommodations

afforded

afforded by a fine ship, the Clarion, Mr. Caldwell (who was accompanied by his family) waited until she should be ready; notwithstanding their anxiety to depart as soon as possible, through dread of the yellow-fever, the ravages of which had already become quite fearful.

The time of sailing of the Clarion being fixed, and the passages of Mr. Caldwell and his family engaged, the day preceding that on which they were to sail, came and passed over. At nine o'clock of the evening of that day, he was served with a notice that he must not leave the island; which notice had been obtained by Mr. Clarke, by means of a summary process, intended as a security against the sudden absconding of fraudulent debtors. The consequence was, the loss of the passage in the Clarion; on account of the advantages of which, and the security against suffering and danger from sickness at sea, Mr. Caldwell's family, notwithstanding their desire to avoid detention at Havana, had waited a considerable time after taking out their passport. The design of, and the expectation from, the proceeding was, to present to Mr. Caldwell the alternative of an indefinite detention at Havana, or the giving of such sureties there, in regard to the balance claimed by Clarke, as would enable the latter to bring suit for it at Havana, and recover in spite of the two attachments at New Orleans. This game was, however, defeated; and Mr. Caldwell soon obtained his release.

This incident, it is seen, grew out of an attachment at New Orleans, upon property of Ferdinand Clarke, obtained by

B.

B. B. Clarke of Boston. This claim arose out of a bailbond for a large sum ($5 or $20,000) which B. B. Clarke had given for Ferdinand Clarke, upon proceedings being instituted against him at Baston, on behalf of Barings Brothers & Co. of London. After obtaining this bail, Ferdinand Clarke had absconded: leaving B. B. Clarke to pay the money; and the attachment at New Orleans was the mode adopted by him to recover a part of it.

Tracing the chain one link further up, we come to the following explanation of the claim that caused Ferdinand Clarke, upon his venturing within reach of Bos-ton law, to be there called to account on behalf of the Barings. Some time before this happened to him, a Boston house, with a view to making shipments of sugar from Havana to Europe, through the agency of Ferdinand Clark, had obtained from the agent of the Barings a letter authorizing him to draw on the Barings for the Sum of £9,000, in the autumn or winter, against, or in antici-pation of, shipments of sugar, to be made in the spring to their address at London. This was the condition of the credit. The funds were to be advanced by the Barings for the sole and special purpose of being invested in sugars, to go forward to their consignment for account of the Boston house. Ferdinand Clark having drawn the bills on the Barings, the Boston house failed, owing him money; whereupon, instead of shipping the sugars

to

to the Barings, he passed the proceeds of the bills to the credit of the bankrupt house. In other words, he paid himself with funds which he had himself drawn upon the Barings, under the pledge to ship sugars to them.

This not according with the commercial notions of the Barings a their agent, Mr. Ferdinand Clark was sued so soon as he ventured within the reach of American justice; and hence the bail-bond, — the escape to Havana, — the necessity on the part of his bondsman Mr. B. C. Clark to become the creditor in the place of the Barings, — the attachment at New Orleans, — the (alleged) fabrication of a pagaré of Mr. Caldwell, — and finally the summary process whereby this New Orleans merchant was, in the height of the yellow fever at Havana, unexpectedly made to lose his long-waited-for passage, and threatened with an indefinite detention, as the only alternative to submitting to the extortion.

14. To the best of your knowledge and belief with regard to the character of Mr. Ferdinand Clarke, is his conduct towards other men apt to be influenced by any motive so much as <u>cupidity</u> or <u>malevolence</u> ?

15. To the best of your knowledge and belief with regard to said character, do you know of any one less likely to put himself to any trouble, or to take any interest in any business, through patriotic feeling, or benevolence, or a sense of justice ?

16. To the best of your knowledge and belief with regard

to

said character, do you believe it likely, that the interest which he appears from the newspapers to have dis=-played at Havana in the cases of captain Trenbell of the Kremlin, and the Seamen of the William Engs, can have proceeded from any other cause than either the expectation of making money, or the wish to gratify his hate of the Consul.?

2 22 Nov
Mr Kingsford

Boston Nov 18 1839

Hon.t John Forsyth

Sir

The inclosed copy of a letter addressed to N.P. Trist Esqr. Consul of the U.States at Havana, I have the honor to transmit, in compliance with a request from that gentleman (and am, with great respect

Your most Obt Servt

Jach.n Jollison

Copy

Rec'd with Mr Jullien's letter of Nov. 18.

Boston, Oct. 31. 1839.

N. P. Trist Esq

Havana.

Sir,

Mr Bulfinch of this city handed me, a few days since, your letter of the 30th Sep. addressed to me, in which after referring to the publication in the "N. York Morning Despatch" of statements purporting to have been made by me at a meeting of the Shipmasters and merchants in Boston "to take into consideration the conduct of Consul Trist", you request me to furnish you with a statement under my own hand, of what I said on that occasion; with which request I shall endeavour to comply.

Having observed the Advertisement calling the meeting referred to, I was attracted to it more by curiosity than by any interest felt in the subject matter to be discussed. In the course of the evening however, I was called upon, having recently returned from Havana, to state what I knew in relation to your official conduct.

As nearly as I can now recollect, I stated that I never had but one personal interview with you, which was on business, and altho' we then had a trifling altercation, the occasion did not, as I conceived, elicit any decisive trait of character. Nevertheless from various circumstances which had come to my knowledge, during several

months residence in Havana, and which indeed were
the theme of much conversation, I had formed an opinion
that you was a man of haughty & supercilious deportment,
and of austere and repulsive manners, and would not be
likely to discharge the duties of your office acceptably to
American shipmasters, whose business necessarily called them
into daily intercourse with all classes and conditions of men
and who of all others were perhaps in their habits and feelings
the most strictly Republican, and therefore in danger of
mistaking official dignity for self estimation and conscious
superiority. I stated some facts in relation to the
incarceration of Capt. Wendell, of the Brig Kremlin, and
the condemnation of the crew of the ship Wm Engs, your
agency therein, and expressed an opinion that in both
cases you were decidedly culpable, having made use
of your official power to injure and oppress your country-
men.

These are the remarks I made, so far as my
recollection serves me. The reporter not only makes me say
much more, but in a manner which I beg leave to disclaim.
I have received no injury from you sir, and entertain no
unfriendly feelings toward you, and consequently could
have no motive for the "active part" I am supposed to
have taken against you. I expressed my opinion freely
upon the subject, in the exercise of a right enjoyed by every
Amn citizen of discussing dispassionately and frankly the

official conduct of those placed in authority; and if circumstances shall hereafter convince me that those opinions were too hastily formed or rested upon too slight foundation, it will be my pleasure as well as my duty to confess it freely and publickly.

My knowledge of the facts in relation to Capt. Wendell's case, was first derived from him; but considering his an ex-parte statement, I regarded as matter of fact, so much only as was corroborated by subsequent statements made by Captains Thaxter & Brewer of Boston, and Kemble of Salem, all whom I consider very respectable men; and lastly by Mr. Wm Bruce of Havana, a gentleman of great respectability, who appeared to be very friendly to you, and who related some exculpating circumstances, such as insolent language and ungentlemanlike demeanour on the part of said Wendell.

The facts stated, in relation to the case of the crew of the Wm Engs were obtained mainly from a copy of a letter addressed by you to the Captain General, surrendering these men to the local authorities to be dealt with according to the laws of the country; and also from copies of a correspondence between yourself & Capt Babbitt, of the Sloop of War, Boston, touching both cases.

My memory does not serve me, as to the person in whose possession these letters were. I saw them

however in different hands; one of them, I think, that to the Captain General, was shown me by a Dr. Bumstead.

I am, sir, very respectfully,
Your obedient

David S. Jellison

Hon.ble John Forsyth

Department of State

Washington

? 11 Dem

Quigg Gold No. 102.

Consulate of the United States of America
Havana November 21st. 1839.

Hon: John Forsyth
Secretary of State.
Sir,

The master of the Schooner "Fruiterer," a New York vessel, casually from Charleston, upon coming to this office, yesterday at a quarter past 3. P.M., to report his arrival, delivered your favor of the 18th. ult.— Although marked "triplicate," it is the first to come to hand: a circumstance the more remarkable from the fact, that your favor of the 21st. of the same month, sent by the way of New York, (doubtless the direction given to one or to both of the other copies of that of the 18th.) came to hand by the Ship "Norma", eight days ago.

Apart from its tendency to facilitate, to myself no less than to others, the task of demonstrating, not only the utter untruth and wantonness of the charges against me, but the inconceivably audacious contempt both for the public intelligence and for the character of our government, which could

alone

alone inspire such a conspiracy as that, to the work-
-ings of which (as is matter of perfect notoriety among
our countrymen at this place) these charges alone owe
any consequence they may have acquired; Apart from this
advantage to be gained by my presence in Washington,
the mere propriety of such a course to one circumstanced
as I am has been too obvious for me to remain insen-
-sible to it. This consideration alone would have deter-
-mined me to the step of repairing thither, (of course,
the requisite permission being first obtained) but for the
existence of the only impediment which could prevent
me from taking it.

That impediment is, my health. It is known
to my friends, that ever since I first obtained an insight
into the alternatives which it presents, and became
aware of the price at which alone the incumbent can
have peace or enjoy a day's exemption from calumny,
if indeed from direct insult, this post has been in the
last degree hateful to me. It is likewise known to
them that I have, at various periods, had very
advantageous opportunities to return home; and
that, after indulging the hope of embracing them
so far as to come to a positive determination on
the subject, the plan has as often been dissipated by
medical advice strongly adverse to my leaving this
climate.

This

This advice has been repeated on two different occasions within the last twelve months; and the ground for it still exists. Notwithstanding a very marked improvement in my general health, which justifies hopes of a final victory over the affection in my throat that, for some years past, has threatened to develope itself in a way that would allow no escape from consumption; that affection and an extreme liability to take cold, which is it attendant, continue in a degree sufficient to render it next to certain that the early consequence of a visit to Washington at this season would be to give them a decisive preponderance: so that, instead of the prospect which now flatters me, of a return to our country in a state of health and efficiency, my lot would be to drag out a few years of miserable existence, a burthen to myself and to those naturally dependent upon me for support.

I deem it, indeed, extremely uncertain whether the immediate effects of the Washington climate, or even of the voyage and journey thither, at this season, would not prove such as to destroy whatever efficiency I may at this moment possess, and to disqualify me from even entering upon any labor there. At any rate, the ultimate consequence is too strongly and clearly probable

to

to admit of my encountering the risk. All who know me feel certain that under such a state of things as has prevailed for the last six or eight months, I should not, unless through violence to my natural impulses, have felt a moments' content until my foot had rested upon our soil. The view just ex=
=pressed is, therefore, not a hasty one, formed since the receipt of your letter, but a deliberate, oft-revolved conviction; one which, some time before, I had irre=
=vocably made up my mind to be governed by, whatever the consequences might be.

I have not been unmindful of the coun=
=tenance which such a determination is cal=
=culated to afford to the numberless imputations of which my character is being made the sport. This effect, however, so far as it may be produced, is but one of the necessities of my position; and at these, it comports not with my philosophy to repine. Whatever they may be, I bow to them all the more readily, the more cheerfully, from the knowledge — the absolute certainty — which I possess, that their reign will be short. In the course of this (thus far) one-sided contest, the picture of Isaac Hull on the quarter-deck of the Constitution, biding his time, has often risen to mind. His assailant believed him to be

scared

scared and bewildered by the racket he was making; and so might any number of spectators. He knew himself to be only waiting till he could "see her copper." The next six months will decide whether the issue in the present instance is to correspond.

The opinion expressed, (which I believe well founded) that my presence at the seat of Government might subserve other objects besides my justification, cannot but have the effect of encreasing the regret occasioned by the impossibility of my repairing thither. So far, however, as my absence can be compensated for by any diligence that I can evince upon this spot, it will be. Moreover, as the session will probably extend considerably into the season of temperate weather at Washington, this would admit of my being there some time before the adjournment. In regard to my own business, all necessity for my appearance will I doubt not, have ceased before that time. Should it, however, on that or any other account, be deemed then desirable, it will, I scarcely need say, be cheerfully made.

I have today consulted my physician. His opinion has proved what I knew it would be; and will be obtained in writing for early transmission.

I am, Sir, very Respectfully

Your Obed.t Serv.t

N. P. Willis

No 2 10 Dupl
Mr Ringgold

No. 103.

Consulate of the United States of America
Havana, November 26th 1839.

Hon: John Forsyth
Secretary of State.
Sir,

At the conclusion of my No. 102, under date the 21st inst, (sent by duplicate by the Schooner "Commodore Warrington" for Baltimore, and Schooner "Fruiterer" for New York) I announced the intention to obtain in writing the medical opinion there referred to. This, together with my letter asking it, (enclosures Nos. 1 and 2.) is now sent.

My confidence in the qualifications of the writer has rested upon that which I have in my own for forming a correct judgment in regard to the powers and habits of mind and the acquirements of a physician practising under my eye and thrown into frequent conversation with me. I made his acquaintance soon after my arrival here, (and his) nearly six years ago; and the opportunities for judging of

him

him, first afforded me by accident, at once satisfied my mind that he was a man of superior talent and acquirement; and all subsequent experience has tended to confirm him in my estimation as one of the most finished physicians, — one of the most perfect masters of his profession, both in its theory and practice, — that I have ever known.

In the position wherein I have been placed by the event to which the transmission of Dr Meiklehams opinion is an incident, it is requisite, however, to satisfy the minds of those who are strangers to us both, that some other means than the opinion which I may have conceived of him should be furnished for enabling them to estimate the weight due to his professional judg = = ments.

This would have subjected me to the necessity of putting others as well as myself to the trouble atten = = dant upon the procuring of certificates here, but for a fortunate accident which, very recently, (after an in = = timacy of several years standing) made me aware of the fact that he was in possession of very strong tes = = timonials from the leading medical men of his native place, Glasgow.

These, I have requested to be allowed to see and take copies of. Enclosure No 3. consists of a transcript

transcript of such as, after some search, he has been able to find. My friend Mr. Tolme', the British Consul, upon my chancing to show him this transcript, tells me that it is incomplete; that, several years ago, he saw a number of others, from men of corresponding distinction, equally if not more flattering in their terms.

The collection will, however, I trust, prove sufficient for the purpose of placing beyond all question the respect due to the professional opinion sent in corroboration of my own intimate and absolute conviction of the utter incompatibility of a visit to Washington at this season with a decent regard for the duty I owe to the wife and children who are dependent upon me.

It will be perceived that one of these testimonials is from doctor John Burns, author of the standard work in our country upon one of the most delicate branches of the art.

I am, Sir, very respectfully,
Your Obed.t Serv.t
A. P. Hill.

Postscript. Since my letter of the 21st inst. there have

have been numerous arrivals from the States:
Boston, New York, Philadelphia and other ports;
but neither the first nor second of your favor
of the 18th October has come to hand. 'Ti possible
that they may have been taken out of the post-
office here; and that I may be indebted for the
receipt of the triplicate to the circumstance (by no
means of regular occurrence) of its being brought to
the Consulate by the master of the "Fruiterer," instead
of going in his letter-bag to the post-office. The
likelihood of this is rendered the stronger from
the fact of my being disappointed in receiving letters
from my family by any of the arrivals for a
month past from New York; where, I do not
entertain a doubt, letters for me must have
arrived, and been put on board ship for this
place. Enquiry here on the subject would be
now fruitless. My letters being sometimes called
for by my own clerks, and sometimes by one
of those in the extensive counting house
of the merchant from whom my office-
-rooms are rented, the post-office here is
not kept in a manner to justify the
supposition that its clerks would have

any

any recollection of the persons to whom letters for me may have been delivered within such a period. To guard as far as possible against such things for the future, I have directed that my letters be delivered to no one whatever except my own clerks. —

N. P.

Havana Consulate No. 103. Enclosure No. 1.

(Copy)

Havana, November 21st 1839.

Dear Sir,

The state of things, of which you, in common with most of the foreign residents at this place, are fully aware, rendering it extremely desirable that I should repair as early as possible to Washington, I have to request your opinion in writing in regard to the degree of risk with which the step would be attended.

I am, with sincere regard,

Your Obed.t Serv.t

N. P. Trist.

Doctor D. L. Mickleham.

Havana Consulate No. 103. Enclosure No. 2.

(Copy)

Havana 22nd November 1839.

Dear Sir,

I have to acknowledge the receipt of your note of yesterday's date requesting my opinion in writing in regard to the degree of risk to your health with which your going to Washington at this season would be attended.

In answer, after mature deliberation, I can but repeat that which I have on several occasions given when consulted in regard to the possibility of your retaining your health in a Northern climate. I have deemed this exceedingly doubtful should your return to the States, even no further North than Louisiana, take place at the most favorable season for subjecting you only to the gradual approach of cold weather; and I deem it much more so, should that return take place during its prevalence. Indeed it is scarcely doubtful to my mind that, should you determine to proceed to Washington at this season, you would arrive there with such a devel-opement of laringitic and bronchitic disease as would lay you up, so far, at least, as to confine you to the house, and to render exposure of any kind to the weather decidedly dangerous - while

the

the ulterior consequences could not fail to be serious in the extreme.

The strict attention paid by you to diet and exercise, and every other particular under your control, whereby health can be influenced, has been rewarded by a striking improvement in your general health, and the entire removal, so far as can be seen, of the depositions of tuberculous looking matter which used formerly to take place in the mucous membrane of your throat. By persevering in the same course of life for a year or two longer in this climate, these benefits may, I think, become so confirmed as to enable you safely to return to reside in the states. Their entire loss in the course of a month or two would, I but little doubt, be the almost certain consequence of your venturing there at this time.

I yield to this conviction the more reluctantly from my knowledge of your position, and the wish, which I, in common with all your friends here, entertain, that the true character of the clamor against you, so well understood at this place, should be effectually exposed by you at home.

With the highest regard and esteem

I remain

Your most Obed.t Serv.t

(signed) D. S. Meiklehan M.D.

N. P. Trist Esq.re

I certify the above to be a true copy of my letter

D. S. Greiklehan M. D.

Havana Consulate No. 103. Enclosure No. 3.

(Copies.)

I hereby certify that Mr. David Meiklehan acted as my Clerk in the Glasgow Royal Infirmary for nearly a year and a half, and that during the whole period he completely merited my approbation both by his intelligence in drawing up the cases and by his subsequent attention and humanity to the Sick. Mr. Meiklehan's education has been most ample and liberal. For general knowledge and literature he studied several years at Oxford of which he is an Exhibitioner from this University, and in pursuit of medical acquire=ment, he attended several of the most celebrated Semin=aries of Great Britain.

It gives me pleasure to add that I have long known Mr. Meiklehan as a friend as well as a Student, and have ever found him distinguished for all the feelings and sentiments of a Gentleman.

(signed) Richd. Millar M. D. Reg.
Prof. of Mat. Medica in the
University of Glasgow.

Glasgow 8 March 1833.

I.

Glasgow 25th February 1833.

I Certify that Mr. D. S. Meikleham acted as my Clerk in the Surgical Wards of the Royal Infirmary, from 1st February to 1st May 1832, during which time I had ample opportunities of becoming acquainted with his professional character and acquirements.— He devoted himself with much zeal to the duties of his office, which he discharged with marked diligence and regularity; and he also displayed, a share of practical discrimination and ability in the management of the cases entrusted to his care, which obtained my warmest approbation. —

(signed) John Macfarlane M.D.

lately Senior Surgeon to the Royal Infirmary &c &c

Glasgow 27th February 1833.

Mr. David S. Meikleham has been intimately known to me for many years past. While he acted as House Surgeon in the Infirmary under me for a period of seven months, I was much pleased with his uniform attention to the patients, and particularly with the manner and style in which he drew up the histories &c of their different cases.— Since leaving the Hospital our intimacy has been almost uninterrupted, and from all I have seen, I feel great pleasure in bearing testimony to Mr. Meikleham's qualifications as exceedingly well informed

and

and in every respect practically acquainted with the de=
=tails of his profession.— In short, there is no situation
either medical or surgical, which Mr. M. is not able to fill.

(signed) W. Auchinclos M. D.
Senior Surgeon to the Glasgow Royal Infirmary, Lecturer
on Surgery; Surgeon to the Town's Hospital &c

Glasgow May 8— 1833.

Dr. David Muirhead has not only attended my
Lectures in the University but has been much in the
dissecting room and has also occasionally assisted me
in performing operations before the class. I have
had farther opportunities of becoming, by private
intercourse, well acquainted with his abilities and
knowledge, and have no hesitation in saying that they
are such as to entitle him to a high standing in his
profession.

signed John Burns
Professor of Surgery in the University of Glasgow, Author
of the Principles of Midwifery &c &c &c

Glasgow College May 14th — 1833.

I hereby certify that I have been upon terms
of the closest intimacy with Dr. D. S. Muirhead for

many

many years during which time, I have had the most abundant opportunities of studying his character, and of ascertaining his acquirements, of a general as well as of a professional description: and I have no hesitation in giving my most unqualified testimony of approbation, in both of these respects, and in affirming that I have known few young men entering upon Medical Practice who have done so with accomplishments of a higher cast, whether as these may regard the fitting him for succeeding in his Profession, or of rendering him an agreeable citizen of the world.

signed Wm Couper M.D.

Professor of Natural History in the University of Glasgow.

Glasgow 15. May 1833.

Dr David Meikleham, after an excellent Classical and Philosophical education both at Oxford and this University, about five years since devoted the whole of his attention to the acquirement of medical knowledge. His progress in these studies soon gained for him additional means of improvement. He was in succession appointed Physician's Clerk and House Surgeon to the Royal Infirmary of this place. In these situations being a manager myself, I had ample opportunities of observing his regularity, his diligence, his zeal and above all his attentions and humanity to his

Patients

Patients. It gives me much pleasure to state that he conducted himself much to my satisfac-tion and to the satisfaction of all the managers who an interest in the Institution. From his liberal education, from his theoretical and practical knowledge of Surgery and Medicine and from his long and meritorious services in the In-firmary, I have every reason to believe that he is fully competent to fill any situation as Surgeon or Physician, both with credit to himself and usefulness to the Public. —

(signed) Alex[r] Panton M. D.

Havana Consulate No. 104.

{ Letter & Enclosures

(4 Enclosures.)

Wendell case — Testimony.

Spalding & Bruce.

Unregistered. No. 104.

Consulate of the United States of America
Havana 7th. December 1839.

Hon: John Forsyth
Secretary of State.

Sir,

In point of importance, the imputations upon me which most urgently demand to be silenced are those regarding the slave-trade. In point of time, the activity shewn in the case of Captain Wendell renders it, I suppose, indispensable, that precedence should be given it over every thing else.

On this supposition, I now transmit some evidence in regard to it from the two witnesses who, of all those within my reach here, would, by any court of justice, be deemed the most important; and whose importance would scarcely be deemed secondary, whatever might be the number to be selected from.

Those two witnesses are, Mr. Edward Spalding of Connecticut, and Mr. William. S. Bruce of Boston. The former is the american partner (upon whom de-volved the transaction of all business with Captain Wendell

Wendell) in the house of Deboninck and Spalding, the well known successors of the well known american house of Scull, Storey & Co, successors of the well known american house of Murdock, Scull, Storey & Co. To this house, the Brig Kremlin came consigned. In this house, Mr. Bruce is wharf clerk; and as such, he had frequent occasion to go on board the Kremlin and to acquire personal knowledge of what was going on there.

So much with regard to the relation in which these two witnesses stand to the subject on which they testify. With regard to the weight due to their testimony, as dependent upon <u>character</u> and upon <u>bias of interest</u>, the former is a particular in regard to which the most abundant opportunities exist for enquiry in all our commercial cities, should it be deemed requisite to extend it beyond the point to which it may be carried in fulfilment of the request made in my No. 101. — So far as <u>bias of interest</u> may be supposed to exist in these witnesses, it clearly cannot be on my side, unless it can be demonstrated to be for the interest of a mercantile-house, — and that a commission-house, — to show itself not only both unable and unwilling to protect the interests confided to it from flagrant injustice and extensive injury, but willing actively to aid and abet the wrongdoer.

The truth in regard to Captain Wendell's

case

case, so far as I have had any agency in it, or possess any knowledge of it, is contained in the communications made by me to the Department; particularly in the connected narrative, under date the 24th of De-cember last. (No. 62.)

To the truths there stated, I will here make one addition, to wit; that, not only has the use made of this case been the doing of a conspiracy; but that the case itself was made, — was deliberately fabricated — for the special purpose of being thus used. Ungovern-able as captain Wendell's temper is, and inflamed as it constantly was at that period by incessant drink-ing, he would not have persisted in his reckless defiance of reason and law, had he not been taken complete possession of by two individuals, scarcely less notorious here for bitter and long cherished hate to-wards me than for other ingredients of character having a less partial application. The fact of this hate, predisposing them to seize upon any and every occurrence which could afford the faintest prospect of affording indulgence to it, is of the most absolute notoriety here. The fact that he at once became a mere tool in their hands is not less so. To get him in prison — an american "ship-master" in prison! and that through the agency of the Consul!! — was their object. This once secured, leave the rest

to

to them. Let but the clamor be once effectually raised, and they knew there were abundant materials for swelling it. These, had been pouring from the very day, almost, when I first set foot in this Consulate. No man of common understanding could pass a single day in this city, then or now, and take pains to inquire into these points, without becoming as fully aware that what I here affirm constitutes part of the general belief of the american and all other english-speaking residents and frequenters of Havana, as the same opportunities would render him of the fact, that the great wealth of John Jacob Astor constitutes part of the general belief of the city of New York.

The grounds of the whole clamor against me will be exhibited in a manner leaving not a shadow of doubt upon any mind, so soon as I can find time to draw up a report of my doings here: Showing the state of things which I found, and that which I have established in its stead; and what it remains for Congress to do, to secure the same state of things every where, and to make it better still. This report will present the picture of a reality that none, or but very few, at home have the remotest conception of. Its fidelity will not rest upon my assertion. It will be supported by proofs.

Those

Those proofs will be such as no one will pretend to gainsay. This work, I see no reason to doubt my being able to accomplish in time for the action of Congress this session.

At the present instant, however, the thing to be dealt with is the Wendell case: and that, considered in itself, and not (as it must be, to afford an adequate conception of its merits) as a part of one great whole.

Considered in itself, it is certainly vast enough in one respect. The inconceivable recklessness of mendacity which has, for nearly eighteen months been at work upon the subject, has produced a mountain of such magnitude, that to expose all its contents to the light of day would be a life-labor for Hercules himself. The only way for one weak mortal to pretend to demonstrate the nature of a mass of this kind is, to drive in his mattock and drag out a lump or two by way of Specimen.

To drop the metaphor, the only thing possible in regard to a mass of this nature is, to destroy the credibility of those engaged in its fabrication; and the only way to do this is, to take up one or two of their most prominent assertions, and demonstrate their utter falsity.

It is upon this principle that the eighty questions (which might have been run up to eight hundred

hundred, and then have failed to meet all the false=
hoods that have been uttered on the subject) propounded
to Mess.rs Spalding and Bruce, have been drawn up.

Besides the general idea which their testimony
affords of the nature of the case; the general corrobor=
=ation which it gives to my statement of it, and the
general contradiction which it gives to captain Wendell's
preposterous fiction, or more properly speaking (for it is
a child of many parents) the Wendell-fiction, — be=
=sides this general bearing of their testimony, it will be
seen to have a specific application to many of the
particulars of that fiction, and among them to the
two most prominent falsehoods which he has
ventured to put forth.

One of these is, his allegation that the bar=
=barous ill-usage and confinement of his mate was
a charge brought by me <u>after</u> he was thrown into
prison! This allegation first met my eye in a letter
under date Oct.r 1. 1838, (a copy of which is now
before me) addressed by Captain Wendell to Lieut.t
Comd.t Mc Laughlin of the U. S. Schooner Wave. It
is there expressed as follows: "I have been now, Sir,
sixty-five days in prison; and that too, Sir, at the
instigation of the U. S. Consul for refusing to pay my
1.st officer 3 months extra pay. The Consul, <u>it seems</u>,
<u>now Sir, since I have been incarcerated, has endeavored</u>

to

to bring quite a different action against me." It was subsequently repeated in his communication to commander Babbit of the U.S.S. Boston, a copy of which will be found among the documents accompanying Enclosure 7 to my No 84.

This invention was fabricated in the face of such facts as, 1st, our conversation in my office, on the 12th day of July 1838, the day on which the mate applied to me for protection; which conversation took place in the presence of my clerk, Mr Peter Crusoe, and in the hearing of my Vice-Consul, Mr. John A. Smith, by whose side captain Wendell had, the moment before, passed, to get into my office; on which occasion (see my No. 62) the barbarous treatment of his mate was referred to by me, and admitted by him in a tone of absolute defiance; 2nd My letter to him of the 12th of July 1838, (see my No. 62. Enclosure 1.) which was the very first step I took in the business; which letter was the sole cause of his coming to the consulate in the forenoon of the 14th bringing his shipping-articles with him, as he was therein requested to do, and accompanied by Capt.n Leighton of the Brig Plant; which letter was then and there the subject of his vociferation, and detected and self acknowledged deviation from truth in regard to the hour at

which

which it had been delivered to him on the previous morning; and on which occasion his abuse of his mate was, by himself, again made the subject of con=versation, in which he again betrayed his disre=gard of truth; 3rd the letter addressed by me on the 14th of July to Messrs Delmonick and Spalding, captain Wendell's consignees, in which letter I referred to that addressed to him on the 12th, and expressed my determination, in the event of his non-compliance to "proceed forthwith to lay the mate's case before the Captain General;" 4th the absolute notoriety, from the very inception of the business, of the barbarous treatment experienced by the mate; and 5th the fact (see my No 62) that captain Wendell's arrest and imprisonment did not take place until the 26th of July: at which time it did take place, not, (as was perfectly well understood by him) for his refusal to pay his mate 3 months extra pay, but for his per=tinacious defiance of the authority of the laws of the country, in refusing obedience to a judicial decree from the highest functionary known to them, issued in compliance with my request that he should be compelled to give the mate his dis=charge according to the laws of the United States; which decree, upon his refusal to comply with

it

it being reported, was followed by another ordering his imprisonment if he should still persist in his course of defiance. 'Tis true that if I had submitted to his dictation by consenting to let the laws of the United States at naught in regard to the three-months extra wages, he would then have condescended to comply with the decree of the Captain General, so far as to give the mate his discharge; and in that sense 'tis true that his refusal to pay the extra wages was the cause of his imprisonment. But this is a sophism which no man born and bred in the United States, where the character of resistance to judicial authority is so well understood, can be supposed to advance in any other spirit than that of deceit. On the subject of an imprisonment caused by defiance shewn to the authority of a court, no American school-boy acquainted with the facts of the case, would ever dream, except in the commission of wilful falsehood, of representing as the cause of the man's imprisonment the original ground of demand which had brought him under the cognizance of the court. (a)

It is to be observed too, that in the concentrated essence of falsehood whereof the above quoted extract from captain Wendell's letter to Lieut

Cond.t

(a) The note to be inserted here is on a separate leaf.

Cond.t Mc Laughlin is a specimen, there is another untruth. Not only does it falsely assert, (which is the point to which I wish attention to be particularly given, as a specimen of the ineffable audacity with which his own, or his confederates', inventions have been substituted for the facts of the case) that his outrage upon his mate was a charge which the Consul had "endeavored to bring" against him after he had been thrown into prison; — not only does it further assert that he was put in prison "for refusing to pay my 1st officer 9 months extra pay;" — but it contains also the assertion, that that same refusal constituted the sole cause of his having been kept in prison for "sixty-five days." (which assertion was subsequently, in his letter to Commander Babbit, repeated, with the substitution of "nearly five months" in the place of "sixty-five days.") The truth in regard to this point is, that if captain Wendell had not, by his defiance of the Captain General's decree, created an absolute necessity for his being put in prison on that ground, he would have been arrested about the same time on the ground of the criminal charge against him for the outrage committed upon his mate. The magistrate upon whom the investigation of that part of the case had

devolved

devolved, (who knew nothing of what was going on in regard to the discharge of the mate) finding, in the first testimony taken on the subject, cause requiring the arrest of captain Wendell, had taken (as I subsequently learnt from his own lips) the step to that effect, when he was informed that he was already in prison. Of this, 'tis possible that the captain was not apprised. But what he did know perfectly well was, that immediately after his arrest, that outrage was what the magis=trate was occupied with: for he himself had taken such part in the proceedings as enabled him to effect all that could be done by a man of the most ungovernable temper, incessantly under the dominion of liquor (and of evil advisers instigating him for their own purposes,) bent upon making mischief in every possible way, by heaping trouble upon those charged with the investigation, and involving as many as possibly could be involved (fewer than he attempted to involve) in the pro=ceedings; and the occasions on which his (captain Wendell's) presence at them was indispensable ac=cording to the forms of Spanish law, had been just so many opportunities for such frantic be=haviour on his part, in imprecations and insult upon witnesses and others, as no tribunal in the

United

United States would have tolerated for an instant. All this was perfectly notorious here at the time; and, that intelligence of it did reach his owners at New York, (Messrs. John Peters & Co.) is manifest from the postscript to a letter addressed by them to me, under date 21st. August 1838, which postscript (the letter itself will come under review hereafter: for I am under the necessity of exposing the part they have acted on the occasion, involving a wilful untruth in their communication to the govern=ment, of which a copy has been sent me) is in the following words: "There is no doubt in our minds that Captain Wendell is in a state of mental derangement, and therefore think the government should overlook his misconduct."

(My answer, under date Sept. 26. '38., con=tains the following in regard to this point: "Beyond that, I have time only for a word in reply to your postscript expressing a conviction 'that captain Wendell is in a state of mental derangement': a conviction for which, to one who had not an opportunity of seeing and con=versing with the man himself, superabundant grounds are certainly afforded by his conduct. But to my eyes he evinced no symptom of mental

derangement

derangement, but the contrary; except so far as every man may be said to be insane, who spurning at every suggestion of justice or humanity in his deportment to those subject to his power, or of decency towards others, expects to carry every thing before him by bullying. — I am convinced that he had his senses perfectly about him the whole time, and that matters would not have been pushed by him to extremities if he had not, from beginning to end, confidently entertained the idea that he would finally triumph, through fear on my part to encounter all the consequences which, it was very clear, might result — as, unfortunately for you, they have resulted — unless he or I should give way. Before his arrest, he threatened to make abandonment of the vessel if I should carry out the line of conduct which, from the outset he was informed that I should pursue; (a threat which offered some hope for his owners, and I wished for their sake that he would execute, but he never showed any anxiety to do so) and I believe that it was not until he had been some days in prison, that his dangerous confidence — arising partly from his own character, and partly inspired by the instigations of others — in my becoming alarmed, abandoned him to a

consciousness

consciousness of the realities of his position."

I will now proceed to the second of the two points of the Wendell case, as stated by himself and confederates, upon which they have laid much stress, and which I have therefore selected as those upon which to dis= =credit their testimony. Upon this point, also, the testimony of Messrs Spalding and Bruce will be seen to have a definite and specific bear= =ing. Suppressing all mention of capt^n Wendell's incessant addiction to hard-drink, (a matter of such absolute notoriety here, that no one could remain ignorant of it; and which was so mani= =fest in his appearance no less than in his de= =portment, that, upon his coming to the office after his liberation in December, I actually did not recognise the man: so great was the alter= =ation in his looks and bearing, from his having apparently kept sober long enough to free his blood from the liquor-poison with which it had on the former occasion been saturated; which change caused me to remark to the Vice-Con= =sul that, if he could only keep so, his imprison= =ment would after all prove the greatest blessing that could have befallen himself or his family.) Suppressing all mention of his own habits, his

story

story represents his mate as an abandoned and unmanageable drunkard.

To both branches of this topic the testi=mony of Messrs. Spalding and Bruce will be found opposite. It will be seen to corroborate what I was led to say in regard to the mate's character in this particular at the beginning of my №. 62.

Although, (as I there took occasion to point out) my course did not in the slightest degree rest upon the mate's sobriety, or his character in any respect whatever; and he might — without af=fecting his right to his discharge under the facts of the case in that regard, or his right under all circumstances, to protection from attempts to drive a walking stick between his ribs, and from suffocation under hatches in an Havana July atmosphere, — have been the greatest drunkard and liar upon earth; yet it has been made by the confederacy of which captain Wendall has been the tool, one of the main points of their game. Accordingly, they have most industriously sought to strengthen it by every means in their power. For the proof of this, as well as for the important result of their endeavors, I refer to the documents (№ 84. En=closure №. 2. Machinations of this Confederacy il=lustrated. Case of the master of the Big Kremlin.)

relating

relating to their attempt to turn Lieut Comd.r McLaughlin to purposes to which he proved alto-gether unsuited, although in a subsequent effort of the same nature upon Commander Babbit, they found their man and met with all the success they could desire.

It will there be seen, that all the evi-dence they had been able to secure against the 1.st mate's sobriety amounted to a declaration of the 2.nd mate, Chauncey Fitch, whom they had had all to themselves, (though, from all I saw of him, I believe him to be a young man of very uncommon character, and of great truth,) that he had, on one occasion, seen the 1.st mate "badly intoxicated", on shore here. (A mariner badly intoxicated on shore! Most wonderful event, and conclusive proof of habitual addiction to intemperance! Particularly when the circum-stances in which he was placed are taken into consideration: the persecution he was undergoing, and the further persecution he was threatened with; and which it required my repeated assurances of protection, to cheer him up against the dread of, and prevent his fleeing from, as many advised him to do; the loss of a good berth as 1.st mate of a good ship, in consequence solely of an express

demand

demand to that effect by his brutal oppressor;
and he experiencing this forced and utterly
unnecessary detention here, which he could not
see the end of, losing the time on which his
wife and children depended for support.)

It will there be seen also, that the result
of this attempt upon Lieut McLaughlin was,
an affidavit from him, that this very witness,
when questioned by me in his presence, in
regard to the 1st mate's character in this respect,
pronounced him to be a sober man, although he
had "once or twice" seen him intoxicated.

Besides these facts in regard to the par-
-ticular point now under consideration, it will
be seen how this attempt recoiled upon their own
heads, by putting me in possession of the testimony
of Lieut McLaughlin, vouched for by Lieut Conte,
in regard to the equivocations and subterfuges, and
the direct falsehoods, of the miserable man who had
thought to make a tool of him.

A thorough scrutiny into the two points
which I have here selected as those which seem
best adapted to the purpose of discrediting all that
these men have uttered or can utter, cannot, I
know, fail to be attended with that result. There
are many other points, however, upon which

it

it is my intention that the government shall become possessed of a demonstration of the truth. Of all the acts imputed to me (and I have made, I believe, a complete collection of the libels with which our press has been teeming) there is not one, in regard to which it is not in my power to demonstrate the truth; and the truth of which, once seen, can fail to secure to me the commendation of all honest men. Besides the purpose of satisfying the government in regard to matters, upon which it is its duty to require to be satisfied, these details will answer the end of filling up the picture of what the Consular office is, and must continue to be, until a radical reform take place in our laws regarding seamen: a mere pocket for fees; the holder of which can escape daily insult and floods of calumny, upon the one only condition of "minding his own business," by driving from his presence every sailor who implores his protection, and looking on in silence, whilst humanity is outraged and the flag disgraced by ruffianism and wrong in every shape that one man can suffer at the hands of another. A spectacle which, I need scarcely repeat, is not without its opposite; in the conduct of another class of masters, who, with

the

the proof constantly before their eyes that such things may be done with impunity, are true to the dictates of conscience, and do all that men can do to inspire a belief in human faith, justice and benevolence into the brutalized beings upon whose services their profession makes them dependent.

To return for a moment to the enclosed testimony: it will be seen that my questions are so framed as to elicit not only facts positively known to the witnesses, but also those which they might have so heard as to induce belief in them. They are so framed also as to elicit, in regard to matter of hearsay, who their informants were. Some of this matter of hearsay — such, for instance, as the notoriety of the general deport= =ment of captain Wendell — was of a nature to preclude a specification of this kind; and in regard thereto, it might, from the position I occu= =pied ~~with~~ ~~respect~~ to the subject, be supposed, not unreasonably, by those unacquainted with my character, that this hearsay, or a portion thereof, had originated with me, or that I had been instrumen= =tal in propagating it. It was for the purpose of meeting this supposition, that questions Nos 63, and 64, were put. Without this explanation.

they

they might appear to be without any definite use.

It has been said and repeated a thousand times, that I denied having put captain Wendell in prison. This is true; but it is a conversion of truth into falsehood by the suppression of a part of it. That captain Wendell was not put in prison by me, was a matter of fact; and there=fore it was stated in reply to the question when=ever it was put. But, that I might not be mis=understood, — that it might not be supposed by any one that the excitement produced by this occurrence and the thousand lies by which its irritating efficacy was promoted had any terrors for me, that reply was never given without the reason why he had not been put in prison by me, to wit: that I was not invested with the power; nor was it ever given without the addition, that if I had been clothed with authority to imprison, he would have been in prison at a much ear=lier day; to wit: the day (the 14th of July) on which he refused to give the mate his discharge, upon my telling him that he was entitled to it. Not only was this addition invariably made by myself; but I charged the Vice-Consul most particularly, never to answer the question except in that way.

Of

Of a piece with this mode of telling the few truths that have been worked into the mass of sheer fabrications, is another, to wit: that I "openly boasted that Martin Van Buren dare not remove me." The truth in regard to this matter is as follows: As an American I did fel indignant at the thought that the spirit of our institutions should be so misconceived by any one, particular= =ly by the British and other English-speaking for= =eigners, (among whom my position, and the game that was playing here, and the characters of those engaged in it were generally more or less well understood) as that they should suppose that the action of our government could be determined by such influences; and upon men= =tion being made (which not unfrequently hap= =pened — sometimes from persons who thought I should be advised of the machinations) of the memorials for my removal which have been concocting here for years past, I have invariably spoken of them as things utterly insignificant except for the good which they might prove instrumental to by arousing public attention to the subject at home: considered under which aspect, the greater the excitement the actors could contrive to

produce

produce the better pleased I should be; and I have frequently added, that all that could result from it would be, to make the ground upon which I stood apparent to all, and it was a ground from which no administration, acting under the eyes of the American People, would — even if so disposed — dare to withhold an em=
=phatic support. It is not to be wondered at, that persons incapable of comprehending the aspect under which the subject has ever presented itself to my mind, or the feelings which ani=
=mated me, should have given to my language a personal application both to the President and to myself.

I will bring this communication to a close by calling attention to a singular coinci=
=dence, of no small value towards conveying a conception of the position of a Consul, by the comparison it suggests between it and the position of a judge at home. The one fenced in by all that can give security against violence and insult, and surrounded on all sides by unim=
=peachable witnesses to the truth in regard to what he says or does. The other standing alone; — without a single immediate defence of any kind, to either his person or his office, from aught

aught in word or in deed, that exasperated sy-
-cophancy may prompt to, except only the dread
that may be inspired by his personal character
and the known measure of his defiance of
clamor and calumny; — often without a single
witness to what occurs, unless indeed they be there
for the express purpose of making common cause
with the reckless spurner at justice and at
law, of overawing by their presence him whose
duty it is to stay the raging torrent in its
headlong course, and of bearing false witness
against the man whom they cannot intimi-
-date.

In the Baltimore American of August
24. 1838, (to which my attention was called by a
friend who, knowing all about the Wendell busi-
-ness, was struck with the coincidence) will
be found the following paragraph, credited to
the "Boston Mer. Jour:"

"Capt. John. D. Urinn, of Salem, who
was convicted several months since, of cruelly
and maliciously imprisoning the first mate
of the Ship Eliza, at sea, was brought before the
U. S. Circuit Court, on Saturday, to receive
sentence. Judge Story, after addressing some
remarks to the prisoner on the magnitude of

his

his crime, sentenced him to three months imprisonment in the common jail."

Here then, it is seen, that at the same period when Captain Wendell was rendered frantic by a Consul's presumption in pretending to rescue from his diabolical ty= =rannny an American citizen, with a wife and children dependent on him for support, upon whom precisely the same outrage had been com= =mitted, not "<u>at sea</u>" (where acts elsewhere inexcusable might be deemed not unjustifiable) but <u>in port</u>; attended, too, with the most wanton and unbounded indulgence in savage ferocity;— at the very moment, perhaps, when one of these Salem captains was submitting in silent humi= =lity to the award of <u>punishment</u> for that same act, the drunken rage of the other was pouring over on all sides, in imprecations against the Consul whom, knowingly, deliberately and with malice prepense he had purposely driven to the necessity of calling the attention of the authorities to the case,— in acts of the most indecent abuse of the forbearance and leniency of those authorities, — and in overwhelming with insult every witness who dared testify to the truth.—

Let it be supposed for a moment, that this captain Uriah had been the counterpart of

Captain

Captain Wendell; and that the circumstances under which Justice Story stood in being instrumental in consigning him to "the common jail", had been such as to admit the possibility of raising a clamor similar to that, of which the transient triumph is now witnessed;— that thereby the enemies of the Justice might have revelled in the luxury of contemplating the propagation against him, far and wide, of the most preposterous calumnies, and of gloating over the certainty of his destruction in reputation and in fortune; and that the culprit, instead of continuing to be what his conduct had made him, a man stamped, to the eye of every merchant and every insurance office, with unfitness to be trusted with the command of a vessel, might have been elevated into a hero-martyr, and have his pocket filled with contributions from every sea-port in the country! Suppose the circumstances such as to render all this possible; and who can doubt that it would all have come to pass!?

Let another supposition be made: that the post of Consul at Havana had been held by Joseph Story, and that a case identical in every particular with this Wendell case, <u>as it has been stated by me</u>, had actually happened.

Whatever

Whatever may be thought of the probability of such an occurrence, its possibility will scarcely be denied. However decided the advantage in point of proba-bility, which the Wendell version of the case may be deemed to possess over that given by me, no one will question that a case might possibly happen, corresponding in all things to my version of that which has happened. Admit that upon the most philosophic consideration of human mo-tives, as they may be supposed to actuate a Consul and a ship-master, it should appear beyond all comparison more probable, that the former should act in the way that I am repre-sented by captain Wendell to have acted, than that the the latter should act in the way that captain Wendell is, by me, represented to have acted: still, the reverse is manifestly within the bounds of possibility.

Suppose, then, such a case to have occurred: Joseph Story being Consul at Havana, and the circumstances of his position, indepen-dently of all matters pertaining to the merits of this particular case, being in all respects the same as those with which mine has been attended. Is there room for the smallest doubt, that the same spectacle precisely

which

which has been witnessed would have been witnessed; with the one only difference that the words "Joseph Story" would have occurred wherever "N. P. Trist" has been heard or seen? Would not the very same motives have existed in the same bosoms? Would not the very same clamor have been raised, by the very same agents; and would not Captain Wendell, instead of silently sinking into the disgrace and penury to which his recent misconduct had but put the finishing stroke, (the winter before captain Wendell came to Havana, such was the destitution of his family, that a subscription paper was handed round among ship-masters at New York for their relief: so I was informed, upon good authority, at or just after, the time when he was making money fly at Havana in coffee-house pastimes. What his professional standing already was, might be ascertained by enquiry among the Boston and Salem merchants and insurance offices.) have found it infinitely pleasanter to act his part in the drama which was not only to glut his revenge, but make him a hero wherever he should appear, and, best of all, a richer as well as a more honored man than if he had been all his

life

life an ornament of his profession?

I had thought to close with bringing into view this highly instructive coincidence; which can scarcely fail, I think, to suggest the most convincing illustrations of the utter impossibility that the most important of all the services which can give value to the Consular office should be rendered at all, if a conspiracy such as that which, so barefacedly and notoriously, has been at work in the present case, can see its audacious disregard of truth crowned with success. There is one other topic, however, which appears to require to be touched upon before I conclude.

It might be asked why, in this case, I did not limit myself to the object of enforcing the mate's discharge, without connecting with this subject the outrage which had been committed upon his person? My answer to this question may be stated in a few words; though its force cannot be at all appreciated except when considered in connection with the sketch which I purpose to present, of the state of things — so absolutely inconceivable to a man born and reared in our country — which has always prevailed in this port (as it

doubtless

doubtless has in other ports without number)
under the American flag. That answer is, that
the effect resulting from measures taken by
me to bring that state of things to an end,
had now rendered absolutely unavoidable a
thing which had always been seen to be
necessary, and had long been intended by me,
to wit: that the heresy constituting the main
point of the false doctrine prevalent here,
(against the effects of which, in detail, I had
been engaged in an incessant struggle from
the time of my arrival) should be exploded
at once, and utterly. This heresy simply was,
that nothing occurring under the American
flag in this port constituted a fit subject for the
cognizance of the authorities; and that if they
should pretend thus to interfere, it was the
Consul's duty to resist such interference. If
this fundamental principle be considered in
connection with another, almost equally preva-
-lent, concerning the Consular right of interference
between masters and sailors, to wit: that he had
none; that (as was lucidly demonstrated in the
discussions to which the case (see my No. 48) of
the crew of the Big Antelope gave rise,) a sailor
could properly come under the Consul's "protec-
-tion"

tion" only when reported to him by the authori=
ties as being "destitute," some faint idea will at
once be formed in the mind, with regard to
the fruits resulting from a body of doctrine
whereof these were the leading fundamentals.

That they are both of a nature to prove,
in a portion of their immediate effects, highly
beneficial to commerce, is perfectly obvious. What
more detrimental to commerce than delay
and expense? What more conducive to these
than trouble with sailors, (bad enough it
itself) when aggravated by troublesome, dil=
=atory and costly judicial enquiries? How then,
can it be otherwise than self evident to every one,
that, to maintain a doctrine of such salutary
tendencies, must be the first duty of an officer
whose business it is to do all in his power to
protect commerce; and that to jeopard its
interests by being actively instrumental in
getting ship-masters into trouble instead of
getting them out of it, constitutes the highest
offence that such an officer can be guilty of?

Such accordingly, is the light in which
my course has presented itself to all minds here,
with scarcely an exception, even among those best
acquainted with my true character, and most

ready

ready to testify on all occasions to the motives by which they know me to have been ever actuated, and from which alone, as was evident to any man capable of a moments' dispassionate reflexion, my acts could possibly have proceeded. Hence the fact, that throughout this struggle I have stood alone. With but few to say a word in defence of my character and motives: scarcely one to express aught than disapproval of my course. Considering each individual case in itself merely, and seeing the inconvenience which my course occasioned, the general, if not universal, sentiment was, that it ought to have been different: although it would have proved utterly impossible for any one ac-=quainted with the facts to show how it could have been different without an utter abandon-=ment of my settled purpose, to substitute the reign of law for that of unbridled ruffianism.

Desertion, the only safety-valve against ex-=plosions, had, to a great extent, been stopped by me. This, I had exerted myself to accomplish, with a view to several ends: every one of them of great value; but all of utterly secondary impor-=tance to the one great end of establishing here the reign of law. To put a stop to desertion would be to put an end to evils in every shape. It

would

would be to save hundreds of lives, and thousands of dollars annually to our shipping interest. But the great end for which I had labored to stop the safety-valve was, that explosions should become inevitable; — that instead of fleeing from outrage and oppression — thereby encouraging and perpetuating it — the sailor should be compelled to come to me: that, from me, he might, to some extent at least, receive protection, if not redress; and that the pestilent doctrine under which he had so long hopelessly suffered in this port, and in hundreds of others, might be met and exploded for ever, here and in every part of the globe. That end has been fulfilled. Not only will the truth now become universally known among those whose it most behooves to have it ever present to their minds, that acts committed under the American flag in foreign ports are not beyond the reach of the authorities of the country, — and that a Consul may "dare" to interfere; but it has now become inevitable, that, by American law, it shall be made the duty of every Consul to interfere, and that means shall be devised for enforcing the fulfilment of that duty. I shall hereafter demonstrate, that, to rely upon the action of our home tribunals, would,

in

in the great majority of cases, prove a cruel mockery to the sailor; and that the only possible practical check upon the enormities to which he is subjected wherever he finds himself beyond the instant protection of American law, (with the exception, perhaps, of British ports) can consist of nothing but the constant holding up in terrorem over all parties interested in avoiding "expenses and delays," an instant appeal to the local authorities, in every case where the Consul shall find this necessary to obtain a master's conformity to the laws of his own country. This appeal, the sailor has at all times a right himself to make. But in all, or nearly all, foreign countries, his situation is, to all practical intents, as if no such right existed. In all such countries, too, it is for his interest, no less than that of all concerned, that such appeals should never be made except through the Consul, and when rendered unavoidable in the fulfilment of his duty under well defined instructions from his own government.)

It was the state of things produced by this stoppage of the safety-valve, which left me in the case of captain Wendell (as I had intended

it

it should in all such cases) no other possible course than that which I pursued. After a little ineffectual bullying on his part, the case would have been quietly disposed of by the discharge of his mate and the surrender of his effects to him, but for the difficulty presented by the "three-months extra wages" provision of our law: a provision which, as I have on several occasions stated, is, in my opinion, (above all in its application to this port) the most monstrous contradiction and absurdity in legislation that has ever come under my notice.

That provision proved, as was explained in my No 62, the sole cause of my being driven (or more truly the sole pretext for driving me) to the necessity of having recourse to the local authorities. And this necessity once created, a more fitting occasion than this was, in every conceivable particular, for making an issue with the heresies which it had become indispensable to encounter and to extirpate, could not possibly have occurred. Both the result and the change by which this has

been

been attended in the state of things here, under our flag, have proved this in a manner the most striking and conclusive.

I am, Sir, very respectfully
Your Obed.t Serv.t

N. P. Trist.

List of Enclosures.

No 1. – Letter addressed, under date November 6.th 1839, by N. P. Trist, Consul of the U. S. of A. at Havana, to Edward Spalding of Connecticut, of the firm of Debonineck and Spalding at Havana, consignees of the Brig "Kremlin" of New York, Abraham Wendell jr. Master, on her visit to Havana in July 1838. (copy.)

No 2. The eighty questions, enclosed in the foregoing letter, to be answered by Edward Spalding and by Wm. S. Bruce of Boston, a clerk in the house of Debonineck and Spalding, whose business it was to attend to the unlading of the Brig "Kremlin." (copy.)

No 3. The reply of Edward Spalding, under date November 19th 1839, containing his replies to the eighty questions. (copy.)

No 4. Letter from Wm S. Bruce, under date November 8th 1839, containing his replies to the eighty questions. (copy.)

S. S.

(a) The following case in point is taken from the New York Courier and Enquirer of October 5. 1839:

Masters of Vessels.—The captain of a ship was brought before Judge Hopkinson, on process of arrest for an alleged abuse of a seaman. The officer of the Court had reported that the captain had at first resisted the service of the writ, and threatened him with violence if he attempted to execute it. He afterwards submitted, and gave bail for his appearance.

The Judge repeated these circumstances to the defendant, and rebuked him for his conduct. He reminded him that no persons were more interested to maintain the authority of the law than masters of vessels; that their own authority depended entirely upon it, and not upon their physical ability to enforce obedience to their commands. What would be the power of an officer of a ship on the broad ocean, with ten or a dozen rough sailors, perhaps of loose principles and violent tempers? when such men are ordered to disagreeable duties, or punished for misconduct, what is it that compels them to obey and submit? Certainly it is because they know that the authority of the master is backed and sustained by the law; and although the physical strength is with them on board the ship at sea, that on their return to land they must answer for their conduct to the laws of the country, whose whole power will be brought upon them for disobedience and abuse of the master and his authority. The same law which thus compels them to obedience is their protection if they are maltreated. If ship masters set an example of a defiance and contempt of the law, they will call upon it for their own protection with a bad grace.—[U. S. Gazette.

Suppose that in this case the master had persisted in resisting the writ, or had carried into execution his threat of personal violence to the officer of the court, and that in consequence of this conduct he had been taken to jail. Could it with truth have been said that Judge Hopkinson had consigned an American ship-master to a dungeon because one of his sailors had complained of ill-treatment?

This case affords, too, a good illustration of the spirit that prevails among a certain class of our ship-masters in regard to all legal restraints concerning the treatment which it may be their pleasure to inflict upon the sailors subject to their power. Judge Hopkinson was on this occasion safe from the assaults of mendacity and malice. Their indulgence against him could have served only to awaken derision, even in the lowest grog-shop

of

of the most obscene hole that could be found in the port of Philadelphia. He was backed by the phy=sical power of the law, - surrounded by a commu=nity who had known him from his boyhood. Sup=pose that instead of being thus circumstanced, he had been Consul at Havana, & that the same cas had occurred there. What would have been its pro=bable course, and its probable consequences? Is it or is it not probable that his pretension, to "inter=fere" in a matter which did not concern him", would have been ~~met~~ met by the message, "Tell the Con=sul he may go to H— ll"? And if he had ap=pealed to the authorities to rescue the sailor, what would have been his fate, so far as Clark, Bum=stead & Co could influence it?

Havana Consulate No. 104. Enclosure No. 1.

(Copy)

Consulate of the United States of America,
Havana, November 6th 1839.

To Edward Spalding Esqre
of the firm of De Coninck and Spalding.

Sir,

The effect produced in our country by the machinations which are here too well understood, both in themselves and in the notoriety of the characters (the non-resident no less than the resident) known to be the prime-movers, to require any notice from me upon this theatre, has rendered it proper that I should obtain, for use at home, in regard to the case of Captain Wendell, the best evidence within my reach.

With this view, I had thought of requesting of yourself and Mr Bruce, statements of what your recollections might furnish in regard to this theme; so prolific (as to your knowledge, it has, from the outset been) of misrepresentations and fabrications, of every shape and hue that could be engendered upon it by the Spirit of Falsehood, stimulated to the extreme of recklessness by a combination of circumstances and motives, such, from their variety and strength in the bosoms of the several actors, as to render it a really extraordinary phenomenon. Reflection upon the subject, however, by bringing into view the

numberless

numberless incidents which have become connected with those, already very numerous, which the case directly involved, has made me aware that the task would prove an exceedingly troublesome, and indeed perplexing one; — that no sooner should it be entered upon, than you would become sensible that, to convey any thing like an adequate conception of the whole truth of the matter, as known to you, and as standing in contradiction to the mass of falsehood which has more or less distinctly come under your notice in the process of its formation, would require an amount of labor such as your avocations cannot allow time for; whilst on the other hand, a selection of portions only of the particulars involved in the case, or bearing upon it, to be opposite to the falsehoods which particularly require to be met, could only be the result of such a study of the subject and such a comparison of the truth with the reverse, as would involve still more trouble and a still greater expenditure of time than the most complete and detailed history.

The only feasible mode, therefore, of effecting the object of obtaining your testimony, is that which I have adopted, in drawing up a series of questions, the answers to which will present facts, sufficient in number and kind, to afford an idea of the true nature of the case, in regard both to the occurrences which it actually involved, and to the motives and the spirit out of which those occurrences

=rences arose.

When I entered upon this task, I had no idea that the questions which the subject would suggest would prove so numerous. Such, however, has been the recklessness of the mendacity which has been at work upon it, that to meet this at all points would have required, instead of the 80 questions which are herein enclosed, at least ten times the number.

To answer even these, must prove not a little irksome; but I feel sure that to both yourself and Mr. Bruce, the labor will be lightened by the consciousness which will accompany it, that you are serving the cause of truth against falsehood the most unblushing, and a conspiracy no less audacious in the barefacedness of its proceedings than notorious for the shocking crapulousness which, to the astonishment of all foreigners here, and to the shame and disgust of every decent character among our own countrymen, has been seen to figure in it so largely, and thus far, with such absolute impunity.

I am, Sir, very respectfully
Your Obed.t Serv.t
(Signed) N. P. Trist

Havana Consulate No. 104. Enclosure No. 2.

This certificate not to be copied

We, Edward Spalding and Wm. S. Bruce, do hereby certify that the eighty questions hereunto attached by means of the seal of the Consulate of the United States of America at this City, are an exact copy of those enclosed in the letter addressed by N. P. Trist to "Edward Spalding Esqr. of the firm of DeCourcick and Spalding," under date November 6th 1839; which questions have been answered, by Wm. S. Bruce in his letter under date the 8th November, and by Edward Spalding in his letter under date the 19th of November. Witness our hands, at Havana, this 7th day of December 1839.

Edw Spalding

Wm S Bruce

to be copied The copyist must not cut these leaves apart.

Questions.

Concerning the case of the master of the Brig Kremlin of New York, at Havana, in July 1838.

1. Are you personally acquainted with Abraham Wendell junr., who arrived at Havana in the month of July 1838, as master of the Brig Kremlin of New York?
2. How long have you known him?
3. What circumstance was it that led to your forming or renewing an acquaintance with him in the month of July 1838?
4. On what day, as near as you can state, did this occur?
5. On what day of July did the Brig Kremlin enter this port? and where was she last from?
6. Did you at this time, that is within the first few days of the Kremlin's being in port, or at any time afterwards, hear any thing about her first mate's (John Bell) having been left at Matanzas? (In your answer to this say merely Yes or No; and if Yes, then the time when you so heard about it.)
7. From whom did you hear it?
8. What did you hear? (In your reply to this, state particularly whether this separation from his vessel was

accounted

accounted for by the fact of his having gone to visit a sister residing in the country near Matanzas;— whether liberty to pay this visit had been stipulated for and agreed upon between the master and first mate of the Kremlin, at the time the latter shipped at New York;— whether, upon being informed by the master of the Kremlin, that he intended to leave Matanzas for Havana on the following morning, (which information was unexpectedly given, on shore, on the afternoon of the 4th of July,) the first mate had expressed his determination to see his sister, although he should have to ride all night in going and returning, and had given to Captain Wendell, to keep for him, a gold ounce which he happened to have about him and thought he had better not carry in his ride;— whether the said first mate had promised to use every effort to return in time to regain the brig before she should get out of Matanzas bay; and in the event of his not being able to accomplish this, then to follow in the first steam-boat, and whether he had so followed in the first steam-boat, and had immediately on his arrival, on the 7th of July, repaired on board the Kremlin.

9. From the time of Captn Wendell's arrival until he was imprisoned, what opportunities did you have for acquiring a knowledge of his character, habits and manners?

10. So far as those opportunities went, was the opinion formed by you a favorable or an unfavorable one, in regard to his fitness for the post of master of a vessel?

Was

Was it in a high degree unfavorable ?

11. So far as those opportunities went, and combining with them the experience you have had of the different characters to be found among our Ship-masters, did you consider him a man likely to abuse his power; in other words, to treat those subject to him with great harshness and injustice ?

12. So far as those opportunities went, is there any particular whatever, in which you deemed him to be a man of respectability in the post of Ship-master ?

13. So far as those opportunities went, did he appear to you likely to prove a blustering bully towards any one who should cross his will on any subject ?

14. So far as those opportunities went, did he appear to be a man given to hard drink, and habitually under excitement from liquor ?

15. So far as you know or believe, was he thus habitually excited from the time of his arrival at Havana until he was imprisoned ?

16. So far as you know or believe, was he generally on board his vessel, attending to his duties ? Or was he at the Coffee-houses on shore, drinking ?

17. Did you have occasion to know or to hear any thing of Captain Wendell's condition as to liquor, and his deportment on board his vessel, particularly towards his first mate, at or about meridian on the 11th of July 1838 ?

1838 ? (If Yea, state what you know or heard, and who was your informant.)

18. Did you have occasion to know or to hear of his condition when on shore at subsequent hours of the same day, or after night ? (If Yea, state what you know or heard, and who was your informant.)

19. On the 12th day of July 1838, or the days immediately following, did you hear of violence having been committed upon the person of the first mate by the master of the Kremlin, on the return of the latter to his vessel at a late hour of the night of the 11th ?

20. From whom did you hear of it ? (If there were several persons, give the names of all.)

21. What did you hear ? (In your reply to this, do not omit to state particularly to the best of your recollection, whether you learnt any of the following particulars, viz: that the first mate having sat up waiting for the captain, retired to his berth so soon as he had received him on board; that the latter began to find fault with him, and soon proceeded to strike him a severe blow in the chest, by driving a stick at him endwise; — that thereupon the mate sprang out of his berth and took the stick away from the Captain, who then struck him a heavy blow in the face with his fist, causing him to bleed profusely; — that to protect himself against a repetition of this, he seized the Captain by

the

the arms, telling him he must hold them if he per-
sisted in striking him; — that this violence was
followed by an order from the captain, requiring of
the mate that he should submit to be ironed, accom-
panied with a threat to shoot him unless he did
so; — that the mate offered to go to any part of the
vessel which the master might designate, and
remain there; and if this did not satisfy him, he
begged that the master would hail the guard-ship
(which lay close by) and send him on board as a
prisoner; but he could not consent to be ironed; — that
he was then ordered to leave the cabin and go upon deck;
whither he was followed by the captain, armed with
a pair of loaded pistols, and carrying a pair of irons,
which he insisted that the mate, should submit
to have put upon him; — that the mate, although
expecting every instant to be shot, persisted in his
refusal to be ironed; — that he was then ordered to go
between decks, which order he instantly complied with;
— that the hatches were then put on by order of the cap-
tain, who nailed them down, and then proceeded to
close the bulk-heads as tight as he could, fore and aft;
going himself into the forecastle to see that this was
effectually done; — that the mate was kept in this
situation, suffering dreadfully from the heat and
want of air, until seven o'clock next morning;

and

and would have been kept, there was no knowing how much longer, had it not been necessary to take off the hatches for the purpose of unlading the vessel; — that during this confinement, the mate found that he could not lie down without danger of suffocation, and he had to stand sucking the air through a crack which he was so fortunate as to find in the cabin bulk-head; — that early in the morning he had hailed the second mate, (Chauncey Fitch) and begged that he might be allowed to have some fresh air; but the second mate had replied that he dare not, that the captain had gone on shore, after giving him the most positive order not to open any thing until he should return and give the order; — that after giving the order, at 7 o'clock, to take off the hatches, the Captain again went on shore; — and that complainant availed himself of the opportu-nity to go upon deck and call to one of the neighbor-ing vessels for a boat, which was sent him from an American brig, from which he got conveyed to Casa Blanca, and thence to the City, where he im-mediately proceeded to claim the protection of the American Consul.

Wm. L. Bruce

22. To the best of your knowledge and belief regarding Captain Wendell's character, do you, or do you not, think that a mate placed in the position in which his first mate described himself to have been on the occasion

occasion just referred to, would give proof of self-possession and correct weighing of evils by preferring the risk of being shot at once, to that of the probable consequences of allowing himself to be ironed, thereby putting himself entirely at the mercy of Captain Wendell's temper?

23. Did you form any acquaintance with Chauncey Fitch, the second mate of the Kremlin?

24. Had you ever any reason to believe him to be otherwise than a very respectable, sober, discreet, truthtelling young man?

25. Did you ever hear that he was an eye-witness to the outrage committed by Captain Wendell upon the first mate?

26. Did you ever hear from himself or any other person his account of it? (If yea, state who from.)

27. Did it accord with the particulars above set forth, as an appendix to question No 21?

28. Did it go to show gross abuse of power by Captain Wendell?

29. Was it in any particular unfavorable to the first mate?

30. Did John Bell, the first mate, become personally known to you?

31. What opportunities or means had you for forming an estimate of his character, especially in regard to sobriety?

32

32. Was the result of those opportunities such as to make you regard him as a sober man ?

33. Did you ever see him intoxicated ?

34. Did you ever see in him any indication of having been intoxicated

35. Did you ever see in him any indication of habitual indulgence in drink ? Or did you ever hear from a respectable source that he was given to drink ?

36. To whom was the Ship Romulus of Portland, Joseph Webster master, consigned, when here in July 1838 ? By whom was she laden ?

37. Had you good opportunities of judging of captain Websters character ?

38. Do you consider him to be a sober man, and respectable as a Ship-master ?

39. What was the destination of the Romulus on leaving here ? What the value of her cargo ? At what time did she sail ?

40. Did Captain Webster lose or discharge his chief mate here; and did he find himself under the neces=-sity of going to sea without one ?

41. Did John Bell, the first mate of the Kremlin, upon the same day that he placed himself under the Consuls' protection, receive and accept an invitation from Captain Webster to take the berth of chief mate of the Romulus, provided he should not be de=

=tained

-tained here in consequence of the course taken by Captain Wendell ?

42. Did he continue to act in that capacity until the Romulus was under weigh going out of the harbor ?

43. Was Captn Webster, to the last moment, anxious to have his services on the voyage ?

44. Did you ever learn from Captn Webster, that Mr. Bell was already known to him when he met with him here ?

45. Did you ever learn that, during the 18 or 19 days that said Bell was on board the Romulus with Captn Webster, the latter ever had reason to doubt his sobriety, or his fitness in any respect for the post of first mate ?

46. So far as you know or believe, would not Bell certainly have gone with Captn Webster as his first mate, but for his being detained here on the demand of Captn Wendell ?

47. Do you know, or have you heard, of a letter addressed on the 14th day of July 1838, by the Consul of the United States, to Messrs Delonnick & Spalding, as consignees of the Brig Kremlin; the object of which was to obtain their good offices to induce Captain Wendell to comply with the request contained in a letter which had been addressed to him by the Consul, under date the 12th of July, on the subject of the claim for protection made by John Bell, first mate of the Kremlin, in consequence of the outrage committed

Wm. T. Davis
Edwd Spalding

committed upon him on the night of the 11.th ? (If yea, state how you came to know or to hear of it.)

48. Do you know, or have you heard, what advice in regard to this matter was given to Captain Wendell by Mr Edward Spalding, the American partner of the firm ? (If yea, state how you came to know or to hear of it.)

49. What was that advice ?

50. In the Consul's letter to Messrs DeBonneck and Spalding, he refers to a letter addressed by him to Captn Wendell. Was this letter ever shewn or mentioned by Captain Wendell to Messrs DeBonneck and Spalding ?

51. Do you know, or have you heard, that Mr Ferdinand Clarke and his bosom friend Dr Bumstead did become advisors of captain Wendell in regard to the course which he should pursue with respect to the Consul ? (If yea, state how you came to know or to hear of it.)

52. From all the circumstances of the period, did you believe, and do you still believe, that a close intimacy established itself between Captain Wendell and the two persons just named ?

53. From all the circumstances of the period, did you believe, and do you still believe, that the course taken by Captn Wendell with regard to the Consul was advised by those two persons ?

54. From all the circumstances, did you believe, and do you still believe, that from the very outset of this business, Mr. Ferdinand Clark and Dr Bumstead have evinced a

warm

warm interest, and taken in every way they possibly could, an exceedingly active part, therein ?

55. From the characters of these two individuals, so far as known to you, do you believe either of them to be capable of taking any interest whatever in a subject or case of this kind, through patriotic feeling, or a sense of right and love of justice ?

56. The opinion generally entertained of their characters among our own countrymen, so far as you possess any means of knowing what that opinion is, does it, or does it not, altogether preclude the supposition that either of them could take any interest whatever in a subject or case of any kind through patriotic feeling, or a sense of right and love of justice ?

57. According to that opinion, so far as you possess any means of knowing what it is, do you know of any other American citizen at Havana less likely than those two, to put themselves to trouble of any sort through patriotic feeling, or a sense of right and love of justice ?

58. Is it not, to the best of your knowledge and belief, a matter of perfect notoriety among all americans and all the english-speaking people at Havana, that Mr. Ferdinand Clark and Dr. Bumstead entertain and have long entertained, the bitterest enmity towards the Consul of the United States; and that this has, for a long period past, shewn itself in every possible way ?

59.

59. So far as you know or believe, does any american or any english-speaking individual at Havana, who ever bestowed a thought upon the subject, entertain a doubt that the interest shewn by Mr. Ferdinand Clark and Dr. Bumstead in the case of Capt.n Wendell, and the active part therein taken by them, proceeded solely from their hatred of the Consul and their desire to involve him in difficulty?

60. So far as you may possess grounds for an opinion on the subject, do you or do you not consider it probable, that but for his falling into the hands of Mr. Ferdinand Clark and Dr. Bumstead as advisers, Capt.n Wendell would have yielded to advice from another quarter, and would not have persisted in his attempt to drive the Consul from the course which he had laid down for himself in the case?

61. During the period that intervened between the 12.th of July, the day when the mate of the Kremlin was taken under the protection of the Consul, and the 26.th of July, the day when Capt.n Wendell was put in prison, did you learn from Captain Webster of the Romulus, (on board of which the mate of the Kremlin was, with the Consul's consent, staying) that whenever he chanced to meet with Capt.n Wendell, the latter vowed vengeance and poured out vollies of insulting expressions against him, (among which was "damned scotch renegade") for, as he expressed it, "harboring his deserter"?

Mr. Dunn

62.

62. During the period just referred to, did you learn, and was it matter of perfect notoriety, that Captn. Wendell was constantly making himself very conspicuous and us- -torious by the most extravagant and unbecomming deport- -ment, especially at the Coffee-house and at the Ship-chan- -dlery, on the Plaza de Armas; (both places much fre- -quented by mariners) drinking very hard, declaiming in the most abusive manner against the Consul, and doing all he possibly could to excite prejudice and animosity against him?

63. Do you believe that the Consul took any part, directly or indirectly, in spreading a knowledge of this deport- -ment on the part of Captain Wendell?

64. To the best of your knowledge and belief, did the consul take any step whatever for counteracting the course pur- -suing by Captain Wendell, his instigators and allies? or did he bestow any notice whatever upon them?

65. To the best of your knowledge and belief, was the consul's course in regard to Captn. Wendell influenced in any way whatever, by the course pursued by Captain Wendell in regard to himself (the Consul)?

66. To the best of your knowledge and belief, was the Consul governed in this case solely by a sense of duty; and did he sincerely regret the necessity of an appeal to the Auths- -rities in affording protection to the rights of the mate?

Edwd. Roulstone

67.

67. So far as the Consul's convenience or interest was concerned, was it not self-evident in this case (and is it no so, in all cases of similar appeals for protection, made by sailors or mates) that by refusing to interfere, and letting the matter take such course as it might from his leaving to the mate the alternative of desertion or submission, the Consul would not only avoid all trouble and all risk to his interest, but gain such positive advantages as might result from the good-will of the captain, his commendations to other ship-masters, and his favorable report to his owners; whereas, on the other hand, was the certainty of much trouble, and of all the prejudice to his interest that might result from the enmity of the captain and of his owners, from a similar feeling, more or less intense, on the part of an indefinite number of other ship-masters and ship-owners, and from the adaptation of all these first effects to the purposes of all other evil-wishers?

68. Do you know of a subscription paper that was circulated here, for the succor of captain Wendell, immediately or soon after he was put in prison?

69. Did the heading to that paper show upon the face of it, that it was the writer's design, under the guise of obtaining contributions for the pecuniary relief of a countryman, represented as suffering in jail from the tyranny of the consul, to make every person who should contribute, unconsciously put on at the same time the character of a witness or certifier to the assumed fact of consular tyranny?

Wm. C. Barney

70.

70. To the best of your knowledge and belief, did this subscription paper originate with Mr. Ferdinand Clarke and Dr. Bumstead? And was the heading written by the latter?

71. To the best of your knowledge and belief, had they any other motive for getting it up than to injure the Consul?

72. Was that paper ever presented to Mr. Edward Spalding? By whom?

73. What was Mr. Spalding's answer?

74. In the heading to the subscription paper, or among the arguments orally made to recommend it, and awaken sympathy in behalf of captain Wendell, and animosity against the Consul, was it not represented that the captain's family, living in New York, were dependent solely upon his exertions, and would certainly suffer from want in consequence of his imprisonment?

75 Was it not a matter of general notoriety, and, to the best of your knowledge and belief, is it not true, that the imprisonment of Captn Wendell was hailed by himself and his instigators as an event which secured the accomplishment of their object, by dealing the consul's utter ruin in all respects: not only in his dismissal from office, but in subjecting him to the heaviest damages in favor of the Captn., at the rate of "a thousand dollars a day, for every day's imprisonment"?

Edwd Spalding

76

76. Was it not a matter of general notoriety, and, to the best of your knowledge and belief, is it not true, that the first days of Captain Wendell's im-=prisonment were passed in a carouse in the jail, where eatables and drinkables (champaign wine included) were provided for all who would go and drink perdition to the Consul?

77. Was it not generally understood, and, from all you know of the characters and the circumstances, is it not, to the best of your knowledge and belief, true, that the amount collected for the succor of Capt.n Wendell and his suffering family was expen-=ded, chiefly or entirely, in this carouse?

78. Among the documents laid before the government of the U. S. by Capt.n Wendell, is a letter from Mess.rs Debon-=wick and Spalding, under date the 1.st of August 1838, declining to advance the sum of $500, which he had asked for by a letter of the previous day, July 31.st (the sixth day of his imprisonment): Had Captain Wendell any right to call upon Mess.rs Debonwick and Spalding for money, except in their capacity as agents of the owners of the Hercules, and in his capacity as master of that vessel: that is to say, on account of said owners?

Mr. Davis

79. Supposing this call to have been complied with by Mess.rs Debonwick and Spalding, do you believe that

a

a single dollar of the $500 would have been ap-
-plied by Captain Wendell to the purposes of the
brig, or in any way to the benefit of the owners
on whose account the money would have been
drawn ?

80. Judging from all you know of the character
of captain Wendell, and especially of his
condition at that time, and of the characters
of his most intimate associates, do you or
do you not believe, that had the $500 come
into his hands it would have been wholly
or in greater part squandered; and this,
chiefly in keeping up the carouse for celebra-
-ting by anticipation the ruin of the Consul ?

Pr. Bowes
Examination

This Certificate to be sealed

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America,* **Do Hereby Certify,** That on the day of the date hereof, before me personally appeared Edward Spalding, of the firm of DeConinck & Spalding, of this city, merchants, who, being duly sworn, did declare, that the eighty answers contained in the letter, a copy of which is hereunto attached, addressed to "N. P. Trist Esq. Consul of the U. S. A.", are the answers of him, the said Spalding, to the eighty questions enclosed in the letter addressed to him by the said N. P. Trist, under date November 6th 1839; and the said Spalding did further declare, that his said answers are, to the best of his Knowledge and belief, true and correct.

— **In Testimony whereof,** *I hereunto set my Hand, and affix my Seal of office, at Havana, this* Seventh ——— *day* December *in the year of our Lord, one thousand eight hundred and thirty* Nine *and of the Independence of the United States the* 64th

N. P. Trist.

Edw Spalding

Havana Consulate No. 104. Enclosure No. 3.

to be copied The copy it must not
out these leaves apart

(Copy)

Havana 19th. November 1839.

To N. P. Trist Esqr.
Consul of the U. S. A.

Sir,

In compliance with the request contained in your letter of the 6th inst, I proceed to answer the Eighty questions therein inclosed - as follows:

1. To the first, I answer, yes.
2. To the second, I answer, since his arrival at this Port in the Brig Kremlin, in July 1838.
3. To the third, I answer, that I became acquain = = ted with Captn Wendell, from the circumstance of the Brig Kremlin, under his command, having been sent by her owners to the consignment of DeBonnick and Spalding, in which house, I was then, and am now a partner.
4. To the fourth I answer, on the 6th or 7th of July 1838.
5. To the fifth, I answer, on the 6th of July, from Matanzas. —

(4)

6.

6. To the sixth, I answer yes, and within a day or two after the arrival of said Brig.
7. To the seventh, I answer, from Captain Wendell.
8. To the eighth, I answer, that Captain Wendell told me, very soon after his arrival, that his chief-mate, went from Matanzas to the Country, to visit his sister, and had not returned when the Kremlin left Matanzas, but that he expected him by the first Steam Boat. I do not recollect that Capt. Wendell stated to me at that time, any other particulars regarding the absence of his mate.
9. To the ninth, I answer, that I saw him at the Counting-house daily for several days after his arrival: our conversation was mostly regarding the sale and discharge of his cargo, procuring a freight, or taking a return cargo for owners account. I also saw him at the coffee-house, and on the wharf.
10. To the tenth, I answer unfavorable in a high degree.
11. To the eleventh, I answer, yes.
12. To the twelfth, I answer, no.
13. To the thirteenth, I answer, yes.
14. To the fourteenth, I answer, that he appeared to me to be a hard drinker, and generally

under

under excitement from liquor; but I have seen him, when he appeared to be sober.

15. To the fifteenth, I answer, that he appeared to be so generally, but not always.-

16. To the sixteenth, I answer, that so far as I know, he was most of the time on shore during the day, about the coffee-house, and Cabarga's Store.

17. To the seventeenth, I answer, Ges. Mr William S. Bruce, one of our clerks, had occasion to go on board the vessel on or about that time, and after his return reported to me, that Captn. Wendell was engaged in a quarrel with his mate, and that he (Bruce) immediately left the vessel.

18. To the eighteenth, I answer, that I heard he was intoxicated and noisy; and that he had quarrelled with his mate: but I do not recollect from whom I heard it, nor do I recollect whether I saw him or not, on the evening of that day.

19. To the nineteenth, I answer, yes.

20. To the twentieth, I answer, that according to the best of my recollection I heard it from Captn. Webster of the Ship Romulus and from some others. I am under the

impression

impression, that Captn Leighton of the Big Angeline told me about it.

21. To the twenty-first, I answer that I do not recollect particularly all that each person told me: but I do recollect of having heard in substance all that is stated in this question.

22. To the twenty second I answer, I do.

23. To the twenty third I answer, yes.

24 To the twenty fourth I answer, no.

25 To the twenty fifth I answer, yes.

26. To the twenty sixth, I answer, that I heard so from Mr. Fitch himself; but some time after Captn Wendell was put in prison, not having seen him before.

27. To the twenty seventh, I answer, that Mr Fitch did not state all the particulars; but his answers to the questions I asked him about the affair, confirmed what I had heard before, as stated in question No 21.

28. To the twenty eighth, I answer, yes.

29. To the twenty ninth, I answer, no: but on the contrary, what Mr. Fitch told me, was highly in favor of the first mate.

30 To the thirtieth, I answer, no.

31. To the thirty first, I answer, none, except what I heard from others.

32.

32. To the thirty second, I answer, that from what I heard of him, I regarded him as a sober man.

33. To the thirty third, I answer no.

34. To the thirty fourth, I answer no.

35. To the thirty fifth, I answer no.

36. To the thirty sixth, I answer, to Debominck and Spalding, and laden by them.

37. To the thirty seventh, I answer yes.

38. To the thirty-eighth, I answer yes.

39. To the thirty ninth, I answer Rotterdam; the cost of her cargo was $50.905. 0½; and she sailed on the 30 July.

40. To the fortieth, I answer, that I do not recollect under what circumstances, Captn. Webster's chief mate, left him, but I do recollect that he was wanting one, and I heard that he went to sea without one.

41. To the forty first, I answer, that I heard so from Captain Webster.

42. To the forty second, I answer, that the last time I saw Captain Webster, previous to his sailing on that voyage, which I think was on the evening before he sailed, he told me that Mr Bell was still on board the ship, acting as chief mate.

43. To the forty-third, I answer that Captain Webster told me so, the last time I saw him,

previous

previous to his sailing on that voyage.

44 To the forty fourth, I answer, that I do not recollect.

45 To the forty-fifth, I answer, no: but on the contrary, Captn. Webster often told me that he was very much pleased with him.

46. To the forty-sixth, I answer yes. —

47. To the forty-seventh, I answer yes: I received and read the letter, and acted upon it.

48. To the forty eighth I answer yes.

49. To the forty-ninth, I answer, that I advised and urged Captain Wendell to comply with the request of the Consul, and that if he thought the request unjust or illegal, to enter his protest against it, and send or take the protest, duly authen=ticated by the Consul, to his owners, for their action thereon. I also advised him to avoid any and all Law proceedings with his mate and crew, or with the Con=sul here; as such proceedings would cause detention of his vessel, subject him to heavy expense and be highly prejudicial to the interest of his owners.

50.

50. To the fiftieth, I answer, that I have no re=collection of having seen such a letter, or of having heard of it from Captain Wendell.

51. To the fifty first, I answer, yes: it was so said, and generally believed at the time.

52. To the fifty second, I answer, yes.

53. To the fifty third, I answer, yes.

54. To the fifty fourth, I answer, yes.

55. To the fifty-fifth, I answer, that I have never known or heard of any act of theirs, to induce me to believe that they would do so.

56. To the fifty-sixth, I answer, that I think it does.

57. To the fifty seventh, I answer, I do not.

58. To the fifty eighth, I answer, yes.

59. To the fifty ninth, I answer, that I do not know any such individual, who I have heard speak on the subject.

60. To the sixtieth, I answer, that I do believe he would have followed my advice, had not those two persons advised him differently.

61.

61. To the sixty-first, I answer, that I was frequently told by Captain Webster, that Captain Wendell made use of such lan-guage to him, and which was confirmed by others.

62. To the Sixty second, I answer, yes.

63. To the sixty third I answer, no.

64. To the sixty fourth, I answer, no.

65. To the sixty fifth, I answer, no.

66. To the sixty sixth, I answer yes.

67. To the sixty seventh, I answer yes.

68. To the sixty eighth, I answer yes.

69. To the sixty ninth, I answer, that the heading of the paper, was very strong against the Consul; and whoever signed it would become a certifier to his acts of Tyranny.

70. To the seventieth, I answer, that I do not know that Mr. Ferdinand Clark, had any thing to do with getting up the paper; the heading was written by Doctor Bum-stead, and the concluding part of it in my presence, at his house, where I had called to visit Captn. Leighton, a patient of his.

71. To the seventy first, I answer that I do not

not know.

72. To the seventy second, I answer yes: it was read to me by Doctor Bumstead who re=
=quested me to subscribe to it. —

73. To the seventy-third, I answer, that I told Doctor Bumstead, I should not put my name to the paper: first because I did not believe that what was set forth against the Consul, was true; and in the second place I con=
=sidered that I had already given Captain Wendell One hundred dollars worth of good advice, which, had he followed it, would have saved himself a great deal of trouble, and his friends from the necessity of contributing to his wants; and that I would not give any money towards enabling him to pursue a course which I considered ruinous to him, and highly prejudi=
=cial to the interest of his owners.

74. To the seventy fourth, I answer, that I do not recollect.

75. To the seventy fifth I answer yes.

76. To the seventy sixth I answer yes.

77. To the seventy seventh, I answer, that

I

I do not know.

78. To the seventy eighth, I answer no.

79. To the seventy ninth, I answer no.

80. To the eightieth, I answer, yes.

I am Sir respectfully

Your Obed.t Serv.t

(signed) Edw. Spalding

This certificate not to be copied

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That on the day of the date hereof, before me personally appeared William S. Bruce, a clerk in the house of DeConinck & Spalding of this city, merchants, who, being duly sworn, did declare, that the eighty answers contained in the letter, ~~hereunto~~ a copy of which is hereunto attached, addressed to "N. P. Trist Esq. Consul of the U. S. ~~of~~ America", are the answers of him, the said Bruce, to the eighty questions enclosed in the letter addressed by said Trist, under date November 6th 1839, to Edward Spalding Esqre; and the said Bruce did further declare, that his said answers are, to the best of his knowledge and belief, true and correct.

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* Seventh ——— *day of* December *in the year of our Lord, one thousand eight hundred and thirty* Nine *and of the Independence of the United States the* 64th

N. P. Trist.

W. S. Bruce

Havana Consulate No. 104. Enclosure No. 4.

to be copied. The copyist must not cut the leaves apart.

(Copy)

Havana 8th. November 1839.

To,

N. P. Trist Esqr.

Consul of the U. S. America.

Sir,

In compliance with the request contained in your letter of the 6th Inst I proceed to answer the 80 questions therein enclosed, as follows:

1. To the first I answer, Yes.
2. To the second I answer, just the length of time he was here in 1838.
3. To the third I answer, by the circumstance of his being consigned to Messrs. Deboninck and Spalding, in whose House I am a clerk.
4. To the fourth, I answer, on or about the 8th. July 1838.
5. To the fifth, I answer, on the 6th July 1838, from Matanzas.
6. To the sixth, I answer, No.

7.

7. To the seventh, I answer, from no one.
8. To the eighth, I answer, nothing.
9. To the ninth, I answer, I had frequent occasions to go on board the "Kremlin," and saw him often on shore, and after a short acquaintance found him to be of a noisy and quarrelsome disposition, and several times saw him under the excitement of liquor, he seemed disposed to brow-beat all who opposed his opinions.
10. To the tenth, I answer, unfavorable in a high degree.
11. To the eleventh, I answer, Yes.
12. To the twelfth, I answer, no.
13. To the thirteenth, I answer, Yes.
14. To the fourteenth, I answer, I often saw him, to all appearances, as far as I could judge, under the excitement of strong drink, but sometimes saw him sober.
15. To the fifteenth, I answer, I saw him sometimes excited, but not always during this time.
16. To the sixteenth, I answer, as far as I know, he was much of his time on shore, and in Coffee-houses drinking.
17. To the seventeenth, I answer, I had occasion

occasion on or about this day to go on board the "Kremlin," where I saw the mate on deck, and heard angry words addressed from the Cabin to him, which I supposed proceeded from the Captain. I immediately left the vessel.

18. To the eighteenth, I answer, I heard that he was noisy and violent, but do not recollect my informant, as it was generally spoken of at the time by many masters of vessels.

19. To the nineteenth, I answer, Yes.

20. To the twentieth, I answer, from the first mate himself, several days after the occurrence.

21. To the twenty first, I answer, that I heard in substance from the first mate himself, all that is stated in this question.

22. To the twenty second, I answer, I do think the mate gave proof of all the good qualities stated in this question, under the circum-=stances in which he was placed.

23. To the twenty third, I answer, Yes.

24. To the twenty fourth, I answer, No.

25. To the twenty fifth, I answer, Yes.

26. To the twenty sixth, I answer, I heard

his

his account of it from Mr. Spalding.

27. To the twenty seventh, I answer, it accorded in substance with what is set forth in question 21.

28. To the twenty eighth, I answer, Yes.

29. To the twenty ninth, I answer, No.

30 To the thirtieth I answer, Yes.

31. To the thirty first, I answer, I saw him often on board the Brig "Kremlin" attending to the discharge of her cargo, and afterwards more frequently on shore, and always observed in him an uniform good conduct, and never otherwise than perfectly sober.

32. To the thirty second, I answer, Yes.

33 To the thirty third, I answer, No.

34. To the thirty fourth, I answer, No.

35. To the thirty fifth, I answer, Neither.

36. To the thirty sixth, I answer, to Messrs. DeConinck and Spalding, and laden by the same.

37. To the thirty seventh, I answer, Yes.

38. To the thirty eighth, I answer, Yes.

39. To the thirty ninth, I answer, her destination was Rotterdam, the value of her cargo $50.905 $\frac{6}{100}$ she sailed on the 30 July 1838.

40.

40. To the fortieth, I answer, I know that he either lost or discharged his Mate here, my impression is that he went to sea without another one.
41. To the forty first, I answer, Yes.
42. To the forty second, I answer, Yes.
43. To the forty third, I answer, Yes.
44. To the forty fourth, I answer, Yes.
45. To the forty fifth, I answer, No.
46. To the forty sixth, I answer, Yes.
47. To the forty seventh, I answer, I have seen and read this letter, for it was handed to me at the time by Mr. Spalding.
48. To the forty eighth, I answer, that Mr. Spalding told me, he had advised Captain Wendell to settle amicably with the mate, thro' the Consul.
49. To the forty-ninth, I answer, the same as the preceding, and further that Mr. Spalding urged Captain Wendell to act peaceably in this matter, as otherwise detention and expences would be the consequence of his obstinacy to the injury of himself and owners.
50. To the fiftieth, I answer, I do not know.

51. To the fifty first I answer, I have heard both Mr. Ferdinand Clark and Doctor Bumstead defend Captain Wendell's conduct, and approve of what he had done in opposition to the Consul's wishes.

52. To the fifty second, I answer, I did believe then, and do now believe, that a close intimacy did exist between the persons above named and Capt.n Wendell.

53. To the fifty third, I answer, Yes.

54. To the fifty fourth, I answer, Yes.

55 To the fifty fifth, I answer, in this case I believe not.

56. To the fifty sixth, I answer, I think so.

57 To the fifty seventh, I answer, no.

58. To the fifty eighth, I answer; no.

59. To the fifty ninth, I answer, I do believe that every respectable american in Havana, and other Foreigners acquainted with this mat=ter, did entertain the opinion, that the per=sons stated in this question acted solely from hatred to the Consul.

60. To the sixtieth, I answer, I do believe that had it not been for Mr. Ferdinand Clark and Doctor Bumstead, Capt.n Wendell would have

followed

followed a peaceable course, as desired by the Consul.

61. To the sixty first, I answer, that I per=fectly well recollect hearing Captn. Webster of the Romulus, relate this expression given him by Captn. Wendell the same as stated in this question.

62. To the sixty second, I answer, that it was a matter of notoriety in Havana, what is stated in this question.

63. To the sixty third, I answer, no.

64. To the sixty fourth, I answer, to my knowledge No.

65. To the sixty fifth, I answer, to my knowledge and belief it was not.

66. To the sixty sixth, I answer, I do believe he was, and did regret it.

67. To the sixty seventh, I answer, Yes.

68. To the sixty eighth, I answer, I heard of one, and knew that it was presented to Mr. Spalding.

69. To the sixty ninth, I answer, I did not see the subscription paper.

70. To the seventieth, I answer, I do believe it originated with these two persons, but I do not know, who headed it as I never saw it.

71.

71. To the seventy first, I answer, I believe not.
72. To the seventy second, I answer, Yes, by Doctor Bumstead.
73. To the seventy third, I answer, that Mr. Spalding told me at the time, that he declined putting his name to the sub-=scription paper, as he considered he had already given Captn. Wendell One hundred dollars of good advice.
74. To the seventy fourth, I answer, I did not see the paper.
75 To the seventy fifth, I answer, Yes.
76 To the seventy sixth, I answer, Yes.
77. To the seventy seventh, I answer, I do not know.
78 To the seventy eighth, I answer, No.
79 To the seventy ninth, I answer, no.
80. To the eightieth, I answer, I do believe so.

I am, Sir, respectfully
Your Obed^t. Servt.
(signed) W. S. Bruce.

Havana Consulate No. 105.

{ Letter & Enclosures.

(7 Enclosures)

State of things at Havana, in regard to American Sailors

1st When N. P. Trist took charge of the Consulate.

2d At the present time, December 1839.

No 2 - 29 Dupl
Mr Livingston

No 105.

Consulate of the United States of America
Havana, December 9th 1839.

Hon: John Forsyth
Secretary of State.
Sir,

The incessant machinations of which this place has been the theatre, from the moment almost when I first entered upon the discharge of the duties of the office, have been specially directed of late to the production of new excitement upon the subject of the regulations in force at this port in re= =gard to the shipping of seamen. The manifestations of their success are not to be mistaken; and this will probably soon be displayed on a grand scale, in fresh floods of preposterous misrepresentation and calumny through the press of our country, and in more memorials to government.

That the subject may be at once understood, I now transmit some documents which were de= =signed for use in the Report which it has long been my

my purpose to make, in order that the government might be possessed of the truth concerning my doings here, in the connected view wherein it is indispensable that they should be considered, whether for the purpose of forming a judgment in regard to my conduct, or, what is far more important, as a basis for that legislative and executive action, which justice and the character of our country's flag so loudly call for.

Until that task can be accomplished, the materials now transmitted, whilst they fulfil the immediate end for which they are detached from the ponderous piles with which my tables are loaded, (in the collecting of which, amidst innumerable interruptions, and under the further disadvantage of having to leave one part of the work of collection unfinished, to engage in another, lest the only opportunity for doing so should pass unimproved, my brain has often reeled so that it was next to impossible to collect my thoughts in regard to what it was requisite for me to do) will serve also as a specimen of the truth in regard to those doings, which I was perfectly willing — which it was my choice — that my country should have the benefit of, without having her eye directed to me, or having my name ringing in her ear; but in regard to which it seems to have been ordered otherwise.

otherwise. Years ago, I formed the resolve, that if I lived long enough, whether here or elsewhere, an end should be put to a state of things under my country's flag, — under the <u>Christian</u> "star-spangled Banner," — which the Bey of Tunis, or any brother Corsair of the Barbary Coast, would blush to own the existence of under his Crescent emblem of lust and rapine. The fulfilment of that resolve is at hand: though in regard to the agent, not as he intended it. For him — such is the power over our nature of long indulged habit — notoriety of any sort has no charm. In his bosom, it can but mar the satisfaction (the highest, he believes, that the man or the citizen can know) which the Architect of the human mind has attached to the consciousness of unseen agency in the production of effects that no eye, but his from whom the influence has sprung, can trace to their parent source. Of this zest, the influences now adverted to have, by events beyond my control, been utterly deprived. But, in other respects, the result is the same. Although now my name cannot but be bruited in connection with it, the work is all but done. Perhaps on any other condition, it could not have been so effectually done. The excitement which has arisen in regard to the man, evidently conducive to the fixing of

public

public attention upon the subject, was perhaps indispensable to its receiving that which it required? In this reflection I have always found a charm against the effects which the venom of calumny might otherwise have produced. It tends also to reconcile me to the substitution of the applause which is to come, for the unsocial recompense which habit has made me prone to covet.

Thus much in regard to self may, I hope, be deemed not inexcusable in one circumstanced as I, so involuntarily, have become. The sincerity of what I have uttered will probably never be put to the test. If this should happen, it will stand it. There is nothing in the gift of my government, or of my country which, as a distinction, I either covet or would accept. She would not have had my services in this post, had I possessed independently of it the means of spending the winters in a climate, but for my removal to which I am firmly persuaded that long ere now I should have ceased to live. Not that I am regardless of the claims of country, or devoid of active interest in the public weal; (my friends have ever deemed this too freely indulged for a due regard to the interests of those immediately dependent upon me,) but that I have the most absolute conviction, that any part of my life which might be devoted

thereto

thereto would be so far more effectually as a private citizen, unknown and unheard of beyond a small circle of friends, than in any public post whatever. If, therefore, my time has been, or shall continue to be, wasted in the drudgery of this office, the cause is to be found in pecuniary necessity alone, not in fond= =ness for official station, nor in the belief that any service that could be rendered in the discharge of its details could be worth the portion of my time consumed by them.

Of the seven documents herein enclosed, the three first afford some idea of the state of things which prevailed at this port (as it but too unques= =tionably does, to a greater or a less extent, in every port in the world where the American flag is seen) at the time when I took charge of this Consulate. The other four afford an idea of the state of things that, in regard to the same subject, prevails now.

These are the two ends of the chain. The inter= =mediate links may be presented on some future occasion of greater leisure. At present I will only observe, that one of the characters in which I have appeared in this particular thread of the drama has been that of a very <u>blood-hound</u>, following up without mercy the miserable men whose vocation it was, to harbor deserters and to entice sailors to desert, stealing

them

them from their very vessels: the most noted of whom were two desperate fellows known under the names of "Italian John" and "Spanish Nick;" who finally abandoned the city. One of them 'tis said, is carrying on the business in New Orleans. The other recently made his appearance again upon this theatre, in company with a third exile, encouraged to a new effort to revive the profitable trade, by the assurance, borne to them on every breeze, that "that d—d rascal of a Consul is going to be removed."

Of the train of consequences attending this change, the only one admitting from its nature of exact admeasurement is, the least important of the whole, tonnage: the pecuniary saving to our vessels. I had supposed that positive data for such an estimate might be obtained from the commercial houses here; but upon enquiry I was informed that it could not, because money for disbursements of this kind is generally paid out to the ship-master without any account being kept by the commission-house of the particular applications. I have, however, mentioned separately to our two principal merchants here, my supposition that twenty dollars for every american vessel entering the port would not be an exaggerated estimate of the actual loss, <u>in money disbursed</u>,

(independently

(independently of all expensive consequences of delays) incurred in consequence of desertion; and each thought it a moderate one. My own impression on the subject is such, that if the amount admitted of ascertainment, I would gladly bind myself to accept one half of it in lieu of the gross annual income of my office. (To which income every desertion that takes place may be estimated to add from one to three dollars, in the shape of the long established fees for the documents which become requisite in consequence thereof.)

I will now make a few remarks on the enclosed documents.

No. 2. is a letter (the original) addressed to me by Albert G. Boyce, a young mariner, whose case will be found stated in an enclosure in my communication to the Department under date November 1. 1834. I understood from him at the time, or from some one else subsequently, that he was a brother of a class-mate of mine at West-point, now Captain Boyce of the army; and his appearance, language and deportment were in a high degree prepossessing. He was first brought to my notice when dangerously ill of the fever, from which nothing saved him, I believe, but the great skill of the physician whom I employed on the occasion. He went home in the same vessel with me; and

before

before we parted at the Quarantine ground, Staten Island, he wrote me this letter, in compliance with my request that he would give me a statement showing the time he had been on board the Hyperion, the amount of money he had received, and that which was due him at the time he was forced to desert by the barbarous treatment of the captain. This amount, it will be seen, was $101. To the evidence of Mr. Shaler upon this point, I will add, that I entertain no doubt whatever that there is a class of ship-masters under our flag who act systematically upon this plan; that they cheat their employers by representing these derelict amounts as having been paid to the sailors; and that this is the secret whereby they are enabled to "sail cheap", and underbid men who are fit for the post of master.

Nos 4, 5, 6, and 7, grew out of a statement contained in two closely printed columns of libellous falsehood against me, partly editorial, partly furnished from this place, published in the New Orleans True American of the 7th September 1839. The case affords so good an illustration of the efficacious operation of the system now in force here, as well as of the merits of the slanders for which it affords a pretext, even when (as seldom happens) these contain some admixture of truth instead of

being

being utter fabrications, that I will give an account of it in an appendix to this communication.

It will be observed, that in my letter to Captain Young (enclosure No. 4.) I state that his opinion was expressed accidentally, "without my asking it"; and lest the spirit in which this circumstance was adverted to by me should become, as an evidence of my habitual tone towards shipmasters, the subject of a misconstruction, whereof I am not (nor was at the time) unconscious that it is susceptible, I will beg leave to state what my motive really was. It was not, (as might very naturally seem to a reader ignorant of my true character) that my disposition prompted me to affect disdain for the opinion of those with whom my official duties chiefly lie. It was, that the opinion expressed by Captain Young should appear with all the advantage belonging to it when viewed in its true light, as his own deliberate belief, spontaneously uttered; and a collateral object was, that the act in which I was at the moment engaged, of asking that opinion should also be correctly understood, and my character and course here in regard to this subject generally (the procurement of testimonials and signatures) be exempt from misconception. No one who has had any opportunity

for

for observation on the subject, (and who, in our country, has not?) but must be sensible of the extreme facility with which signatures may be obtained to almost any paper; above all in the shape of a recommendation or approval. The opportunities wherewith the accidents of my own life have been attended, convinced me long ago that the looseness in this respect prevalent among our countrymen presents the greatest of all the difficulties to a correct discharge of the most important of all the functions of the executive department, and constitutes a most seriously defective point in the practical working of our system of government.

Aware of the distrust which, for this reason, cannot but be attached to papers of this description, I should have been untrue to the cause which it has devolved upon me to maintain, had I not been particularly careful that all which the occasion might require of me to produce should possess a character of their own. This will be found impressed upon them. They will be seen to constitute <u>evidence</u>, in the strict sense of the word, — <u>proof</u> upon definite and specific points; bearing upon its face the fact, that they from whom it has been drawn had their minds fully awakened to the act in which they were engaged, and performed it with a deliberate, full and clear consciousness.

The

The document constituting enclosure No. 7. has not been circulated for signature. It has been kept at the office, and presented, individually and separately, to those alone whose respectability would give weight to their testimony. Nor has any one been <u>solicited</u> to sign it. The only request made, has been, that they should be perused. Of those to whom it has been thus presented, two only have declined putting their names to it; and this was done upon the ground solely, that they did not wish to put their names to any paper, accompanied with an expression of their entire concurrence in the answers which the document already bore. Many who, beyond doubt, would have cheerfully added their testimony, have, through forgetfulness, been allowed to depart from the port without its being proposed to them. In a word, I am firmly convinced, that no ship-master of any respectability could pass a week in this port, and, if put upon his oath, fail to give the same replies. A number of such masters would, no doubt, refuse to do so voluntarily. But this refusal would rest solely upon personal grounds: dislike towards me, or towards the one licensed shipping-master, or towards both. For animosity against him, in par-ticular, abundant explanation is afforded by the

fact,

fact, that, being the only authorized shipping-master in the place, (without whose instrumentality no sailor can lawfully be employed or received on board of any vessel) he is not only personally interested, but has it also in special charge from the Authorities, to watch over and denounce all infractions of the regulation; which motives are enforced by the assurance from me, that if, in a single instance, he shall ship a man not lawfully discharged from the vessel that brought him here, — or, through "fear favor or affection" for any ship-master or any mercantile house, wilfully fail to make known to me any case of the "discharge," or "the turning of a man on shore," from an American vessel, — or fail to denounce any case of the harboring of any such man, (whether he be a real 'deserter,' or only a feigned one, clandestinely discharged contrary to American law) on board of another vessel contrary to the regulation of the port, — that instant I will exert myself to the utmost to get his license revoked.

I will bring this communication to a close by mentioning an incident of recent occurrence connected with the signing of this document. One of the last names upon it is that of Captain Pike of the Ship "Senator" of Boston, a large freighting Ship, which, with several others of the same

same class, recently came to this port for the first time; having been engaged at Liverpool to bring heavy cargoes of iron and machinery. Upon perusing the document, he said, that although a stranger to this port, which he had no expectation of ever visiting again, and consequently without personal interest in the matter, he had been here long enough to be fully satisfied upon these points, and would give his testimony in regard to them: notwithstanding his having, shortly after his arrival, signed a paper of a contrary complexion. This, he said, was a me- morial, the object of which was, to "break up a monopoly" here, in the hands of a man by the name of Daniel Warren; who, he was informed, made use of it for the purpose of "<u>stealing men from their ships and selling them to others in want of crews</u>." There were six or seven of them (American- Ship-masters) together, when this memorial was pre- sented; and, deeming it right that a monopoly of this kind should be broken up, although they had no knowledge of the matter themselves, they all signed it with the exception of one, — Captain Boardman of the Ship Huron, since deceased, who declined doing so, on the ground that he was a stranger here and knew nothing of the real state of the case.

This

This is a fair specimen of the doings of the confederacy here; and of the effron-tery which enables them to make, upon the very spot, assertions that all, except strangers just arrived, know to be, not only untrue, but the very reverse of the truth. The "monopoly" represented as being the cause of a practice which it has been the means of breaking up! And the man who, above all others, is interested in maintaining the regulations in force, — who is incessantly hemmed in on all sides, encompassed by hundreds of observers, all actuated by interest, and many by hate, — who, if he were fool enough (admitting him to be the greatest knave that ever breathed) to be capable of allowing any temptation to seduce him from the strict line of duty, would be sure to have it laid as a bait to entrap him, and could not possibly fail to be at their mercy, tied hand and foot, within twenty-four hours after his folly-fit should have come over him, — this man is represented as the wholesale "monopoliser" of a business involving, in every individual instance, every possible infraction which can be committed of those regulations, his fidelity to which is guaranteed, on the one hand, by a daily emolument

exactly

exactly proportionate to the strictness with which they are maintained, on the other by the fact, known to all, that one single deviation would, with a certainty almost absolute, seal his ruin!

I am, Sir, very respectfully
Your Obed.t Serv.t
N. P. Trist.

List of Enclosures.

Part 1st.

No. 1. Extracts from an official communication to the Secretaries of State and Treasury, from the late Wm Shaler Esq. Consul of the U. S. of A. at Havana. Jan. 1. 1831.

No 2. Letter addressed to N. P. Trist, Consul of the U. S. of A. at Havana, by Albert G. Boyce, a young American sailor. July 5. 1834. (ori-
-ginal.)

No. 3. Address from American ship-masters at Havana to the Vice-Consul of the U. S of A.

on

on the subject of desertion of seamen. No=
=vember 4. 1834. (original)

Part 2.nd

No. 4. Letter from N. P. Trist, Consul of the U. S.
of A. at Havana to Henry. W. Young, mas=
=ter of the Ship "Junior" of New York. Oc=
=tober 1. 1839.

No. 5. Reply of Captain Young. October 2. 1839.
(original)

No. 6. Letter from John. H. Spring, master of
the Barque "Isaac Ellis" of New York,
(sold at Havana) to N. P. Trist, Consul
of the U. S. of A. at Havana. October
4. 1839.

No. 7. Answers of American Ship-masters at
Havana to two questions propounded
by the Consul: showing the present state
of things at that port in regard to the
desertion of Seamen. Begun October 4. 1839.

N. P. T.

Havana Consulate No. 105. Enclosure No. 1.

Extracts from an official communication, under date January 1st 1831, of the late William Shaler Esqr. Consul of the U. S. of America at Havana.

"I have ever found in this Port much difficulty in executing the laws for the protection and relief of seamen. Here, from their being exposed to greater seductions than almost any where else, and from the effects of climate, indiscretion is seldom unattended with danger of life, they seem to have a peculiar claim to all the protection, the laws made for their benefit can afford them. Desertion is very common here, even to whole crews, and <u>when the wages for large services are due</u>; so that I am bound to believe that it is <u>often</u> with the connivance of the masters, and <u>there can be no doubt</u> that <u>unfair means are as often used by the latter to promote it</u>. Many sea-men are in consequence seduced by high pre-miums to engage in the slave trade, and are lost to their country; others become paupers,

and

and many no doubt perish in consequence."

"This letter has been written upon no vague surmises. I have a case in point now under my eye: that of the ship Moss of Philadelphia, Fennel master, who arrived here after a long voyage to and from Buenos Ayres, and has contrived to get rid of his whole crew, without paying them a cent, or rendering any account of either their desertion or discharge at this office. I compelled him to pay the wages of his mate, whom he drove out of his ship, and persisted in rating as a deserter, by threatening to have him prosecuted in the local Tribunals."

Havana Consulate N°. 105.

{Enclosure N°. 1.
{Appendix.

Extracts from the official communications of the late William Shaler, Consul of the United States of America at Havana.

Extract N°. 1. (a)

Washington 2. June 1830

To the Secretary of State.

Sir,

I have the honor to submit for your consideration the following facts in relation to the condition of our seamen in the Port of Havana.

The laws regulating the discharge of Seamen in foreign Ports having a general bearing on all indiscriminately, whatever may be their distance from or proximity to the U. S. its provisions in some instances may operate as a severe hardship where they are intended as a relief. On assuming the duties of my office in Havana, I found that my predecessor had exercised a certain discretion in the discharge of seamen, which

(a) Of the following extracts, the two first are copies of rough draughts in Mr. Shaler's handwriting, (not transcribed into the letter-book of the Consulate) found by me, on the 4th of October 1839, while searching among some bundles of old papers in quest of matter to shed light upon a subject at the moment occupying my attention.

I deemed it prudent to continue on the application of both parties, for the following reasons viz:

In cases of protracted detention through litigation;—where ships are long detained discharging their cargoes, which is ever the case with vessels freighted with Jerked Beef, which, are by contract usually retailed, and the discharge of cargoes of this article usually require from one to three months, during which time their crews are exposed to all the seductions of intemperance, and the dangers of an unhealthy climate;—when mates or seamen have had opportunities of bettering their condition through offered promotion by becoming masters or mates of other vessels;—and generally in cases of obvious equity, and to prevent fraud and perjury which are sometimes the consequence of a refusal to discharge seamen through a settlement by mutual agreement and reporting them as deserters. In cases when seamen are shipped abroad and consequently not bonded, the Consul has no control over their discharge, and they are liable to be treated with great injustice. There is no port in the world where seamen are exposed to so many and such fatal seductions as in Havana. There are a number of Irish landlords established there, who easily defraud them of their hard earnings, become their absolute masters, and actually sell them

where they can obtain the best price: through the intrigues of these cimps our Seamen have often been compelled to enlist on board of Slave Traders.

For these reasons it would be desirable that some arrange=ment be entered into with the government of Havana prohibiting the discharge of any seamen there with=out the consent, and under the supervision of the Consul.

Extract N°. 2.

New York October 1830.

To the Secretary of State.

Sir

I have the honor to transmit at foot an extract of a letter which I have just received from my agent at Havana, dated Havana 2. September 1830, for your information as illustrative of the difficulty of executing the laws in that Port respecting the discharge of seamen, and corroborative of what I had the honor to report to you on the same subject early in June last.

"In one instance, that of the ship Columbus of Boston Captain Tucker, which was sold here, I refused the required certificate of deser=tion; because, if they had all deserted as he assured

me, it was when there was a considerable amount due them, and he refused the months pay. How he settled the business with the Collector at Boston, I have never heard. Several of the vessels which have come here from Rio de la plata with Beef, and consequently had to lay here some time, have managed to have their whole crews desert, at a time when each seaman has had from 75 to 100 dollars due him. I cannot help thinking that in some of these instances they have been treated so as to compel them to desert.

[signed] R. J. Cleveland."

I venture to think, Sir, that when I receive my exequa-tur I could affect an arrangement with the Govern-ment of Havana which would prevent these scanda-lous abuses respecting the discharge of seamen, if I am duly authorized to this effect(a) A simple refusal at the Custom House to clear a ship until all the seamen she had brought into port were account-ed for at the Consulate would afford a prompt and legal remedy for the enormous evil, which, really involves the liberties, and in that climate even the lives of many of our seamen.

I have the honour to be with great respect

Sir,

Your most obedient servant.

[signed] Wm. Shaler.

(a.) Note by N. P. T. — The suggestion here made did not,

as it does from the note to Extract No. 1, meet my eye until long after the plan of proceedings which ~~had~~ occurred to myself in regard to this "enormous evil" had been entered upon, and even brought to its desired result. What this plan was, will be seen from the other documents accompanying the despatch [No. 13] with which these extracts are sent. Mr. Shaler appears to have deemed a special authorization from our Government a requisite preliminary to action upon his project. The plan upon which I have acted was, in my opinion, free from this condition. My proceedings have rested upon the principle, that when a public servant — however inferior may be the grade — sees that a particular line of conduct is demanded by the field of public service confided to him, and is himself satisfied of its legality, duty requires that it be pursued on his own responsibility. It is only when he does not see his own way clear, that it is justifiable for him to remain inert, and allow the public weal to suffer & the evil to grow, until the responsibility of action with reference to it shall have been assumed by his superiors.

Upon this principle have I acted, in calling upon the local authorities in occasions when their ~~aid~~ agency was indispensable to avert flagrant injustice or arrest grievous oppression, and in making suggestions to them regarding such exercise of their powers of Harbour-police as seemed essential to the ends of justice or to the general welfare of our shipping.

It remains for those to whom it belongs,

to

to judge whether in the course pursued by me there have been any deviations from law, or any exercise of usurped power.

Extracts from the official communications of the late William Shaler, Consul of the United States of America at Havana.

Extract No 3.

From a communication to the Secretary of State, dated Havana January 1st. 1831.

"I have the honor to transmit herewith a letter which I have addressed to the Secretary of the Treasury, in the hope that he may see fit to cause some uniform rule to be adopted at the Custom Houses respecting the legal responsibility of Masters for their bonded seamen which may enable me to execute the laws here. If you approve of this communication Sir, I request that you will be pleased to cause it to be transmitted to the Treasury Department. This letter has been written upon no vague surmises. I have a case in point now under my eye: that of the ship Moss of Philadelphia, Fennel master, who arrived here after a long voyage to and from Buenos Ayres, and has contrived to get rid of his whole crew, without paying them a cent, or rendering any account of either their desertion or discharge at this office. I compelled him to pay the wages of his mate, whom he drove out of his ship, and persisted in rating as a deserter, by

threatening

threatening to have him prosecuted in the local Tribunals."

I have the honor to be &c

~~(signed)~~ Wm. Shaler.

Extract No. 4

Havana 1 January 1831.

To the Secretary
of the Treasury.

Sir,

I have the honor to state for your infor-mation that I have ever found in this Port much diffi-culty in executing the laws for the protection and relief of seamen. Here, from their being exposed to greater se-ductions than almost any where else, and from the effects of climate, indiscretion is seldom unattended with danger of life, they seem to have a peculiar claim to all the protection, the laws made for their benefit can afford them. Desertion is very common here, even to whole crews, and when the wages for large services are due; so that I am bound to believe that it is often with the connivance of the masters, and there can be no doubt that unfair means are as often used by the latter to promote it. Many seamen are in consequence seduced by high premiums to engage in the slave trade, and are lost to their country; others become

paupers

paupers, and many no doubt perish in consequence. It ap=
=pears to me Sir, that these evils might in a measure be pre=
=vented by the rigorous enforcement of the first section of the
law of February 1803 through some uniform rule at the
Custom Houses in the United States when by withholding
certificates of desertion here in cases of palpable evasion
of the laws; the delinquent masters would become liable
to the penalty of their bonds. I infer that the law in ques=
=tion is not rigorously enforced by any uniform rule in the
United States from the <u>reckless indifference</u> of some masters
<u>as to fulfilling the forms of law</u> here, alleging that they can
easily settle every thing at the Custom House on their
return home. I can here allege a case in point viz. that
of the Ship Moss of Philadelphia, Fennel master, who
arrived here some months since after a long voyage to
and from Buenos Ayres, and sailed yesterday for Marseilles.
Captain Fennel contrived to get rid of his whole crew
without paying their wages, and without giving any ac=
=count to this office of either their desertion or discharge.
I compelled him to pay the wages of his mate, whom he
drove out of his ship and persisted in rating as a deserter,
by threatening to have him prosecuted in the local
Tribunals.

I have the honor to be &c

~~Signed~~ Wm Shaler

Extract No 5.

Consulate of the United States
Havana 21 November 1831.

To Samuel Swartwout Esqr.
Collector New York
Sir,

I have the honor to transmit herewith my official report of the case of Philip Henry Race of Hudson aged thirteen years and six months, who, was abandoned here in September last by Benjamin Smith Jr. and rated as a deserter from the Brig Pharos of New York of which Smith was master, under circumstances which I forbear to qualify, having ever before entertained a favorable opinion of him. As there has ever been much irregularity respecting the getting rid of seamen in this Port, this seems to me a proper case to be made an example of. Philip Henry Race is an uncommonly fine, intelligent, interesting child, and his case has attracted the attention of many persons here, so that every thing I have stated could be legally proved by numerous witnesses; but the fact of my giving Smith notice where Henry was, telling him that so young a lad could never be regarded in the light of a common deserter, and warning him against the consequences of leaving him to become a pauper on my hands, must be conclusive against Smith, and considering the selfish inhumanity of the case the forfeiture of his bonds is the lightest punishment he merits.

This

This case appears to me so important that I shall report it to the Secretary of State.

I have the honor to be &c &c

~~Wm~~ Wm Shaler

Extract No 6.

Havana December 1831.

To the Secretary of State

No 21. Sir,

I avail myself of the occasion of transmitting my semiannual accounts, respectfully to state some further observations on the law of February 1803 respecting seamen, as it applies to the Ports of Cuba, and specially to that of Havana. The provision of this law which requires that three months wages over and above what may be due to seamen when discharged shall be paid into the hands of the Consul, being regarded as a hardship, is very generally evaded by masters of American Vessels, who, on clearing out at the Consulate usually tender their oaths for the desertion of their seamen, which often include whole crews: there are only a few conscientious men who comply with this provision of the law. The small annual amount of receipts at this Consulate from this source is conclusive evidence of the fact. If it should be deemed expedient to correct this facility of abuse the best manner of doing so

appears

appears to be the increasing of the responsibility of masters of Vessels for their bonded seamen by requiring that they make declaration under oath of each individual desertion within a reasonable time after it happens (forty eight hours for instance) or a suitable penalty in default thereof, and that the Consul be impowered to withhold their Registers until the terms of the law are complied with. As evidence of the facility with which our Ship-masters sometimes sport with their obligations, I have the honor to transmit herewith a duplicate of an official report which I made to the Collector of the Port of New York on the case of Philip Henry Race, a mere child, abandoned here in September last by Benjamin Smith master of the Brig Pharos of New York, and reported there as a deserter. Vessels arriving from foreign Ports have generally numbers of their seamen shipped abroad, and for whom no bonds have been given: these are without the protection of the Consul; he having no legal controul over them or their claims, and they are in consequence often treated with great injustice; they are very generally discharged or turned ashore here to increase the number of vagabond seamen in the place, soon to become paupers through debauchery and die of fever unless relieved by the Consul. The accumulation of vagrant American seamen in Havana is a very great evil, and ought to be guarded against by every means practicable,

for

for besides being the cause of much expense to the Government it is destructive of their morals, and from the peculiar climate fatal to their lives. This great evil being in a great measure caused by themselves, through their reckless character and excessive insubordination here, where ardent spirits cannot be kept from them, it would seem that there could be no injustice in causing them to be arrested when found ashore and not claimed by any vessel in port, and sending them on board of any U. S. vessel on this sta=tion, there to serve until the return of such vessel to a port in the U. S. Such a measure would meet with no opposition from this Government (for our drunken seamen are regarded as a nuisance in the place) it would save the lives of many, and many more would be prevented by it from disgracing themselves and their Country by engaging in the Slave trade. + + +

Extract No. 6.— Enclosure.

Consulate of the United States Havana

Be it known to all whom these presents may concern that some time about the 30th of September last it was reported to me that a youth about 12 years of age had been received into a boarding house of this City, kept by an american woman by the name of Mrs. Rouillet, who said that he had left the Brig Pharos of New York Benjamin Smith Jr. master. The said Brig Pharos had then been cleared at this office without, so far as is recollected, any mention having been made of this fact as a desertion, but I met Captain Smith on the evening of the same day at the Exchange Coffee house, where, I informed him of what had been reported to me respecting the lad in question, and requested that he would send and take him on board again, as he was of too tender an age to be abandoned in a foreign land as a deserter. This he promised to do, and I confidently expected that he would keep his engagement. A short time after this when the said Brig Pharos had sailed it was again reported to me that no enquiry had been made after the lad in question at the boarding house indicated, where he was still, and sick of fever, I sent a Physician to attend him, and requested that he might be kept there, subject to my order, intending to compel Captain Smith to pay his expenses, and receive him on board again at his

expected

expected return to this port. In the mean time he was cured of fever and I paid for this, and some trifle of cloathing Eighteen dollars from the fund for the relief of destitute and distressed seamen. The boy becoming dissatisfied where he was, I sent for him and then saw him for the first time. He informs me that his name is Philip Henry Race, son of Nicholas Race and Helen Weeks of Hudson where he was born, and is in his fourteenth year; that he is one of a family of six children; that his father and mother separated many years since, and he knoweth not where they now reside; that he lived two years with a farmer by the name of Decker who resides fifteen miles from Hudson and that he considers himself as without any home or natural friends. He came to New York from Hudson with his cousin Cornelius Pest to seek employment, where he stayed a week with a Mr. Burns Eating house keeper opposite the Washington market; that he went accidentally on board the Brig Pharos where he shipped and came three times here with Captain Smith that on his return to New York he always stayed in Captain Smiths family where he was kindly treated; that on the last voyage here he was Steward of the Pharos, that Captain Smith whipped him for faults of the cook who was a

drunkard

drunkard; that he left the Pharos on tuesday. The Pharos sailed on Saturday 1st. October. On hearing of the arrival of the aforesaid Brig Pharos at the Port of Matanzas I wrote to the Consul there on the 17th inst an account of the above facts and requesting him to. require of Captain Smith payment for the expenses already incurred on account of his abandoning the lad in question here, when I would regard the case as having occurred in the hurry of departure a forgotten, and would say no more about it. Henry <u>being a remarkably fine intelli=gent lad</u>, I could have no difficulty in providing for him without any further expense, but in case of his refusal to inform Captain Smith that it would then become my duty to report the case <u>in extenso</u> to the proper authorities in the United States in order that legal measures might be instituted therein. I have just received the Consul's reply to my letter, who informs me that Captain Smith positively refuses to pay any=thing on account of the aforesaid Boy Philip Henry Race, he having made oath on his arrival in the United States that the said Henry had deserted in Havana and thereby cancelled his bond.

In Testimony whereof I have hereunto set my hand and affixed my seal of office this 21st. November 1831. —

Wm Shaler
Consul

Havana Consulate No. 105. Enclosure No. 2.

~~Boyce, Albert G.~~

Staten island July 5th. 1834.

~~July 5 1834~~

My dear Sir

Agreeably to your request / as I understood it / I herewith present you / according to my Memo / with an account of the time that I was on board the brig Hyperion, and also the amount of money that I rec'd from Capt. Fenny during that time—

I joined the brig in Baltimore July 24th 33 — and left her on June 5th — 34 making 10 months and 12 days at $14. per month — I rec'd in advance $14 and at intervals since. 30.60

which leaves a balance of 101.

I here repeat that nothing but Capt. Fenny's barbarity to his men, and a conviction that my life would be jeopardized by continueing in the vessel would have induced me to run away

Thanking you Sir, imperfectly, but heartily for the many acts of kindness you have shown me — and the solicitude you evinced towards the unfortunate / our profession / I subscribe myself yr much obliged & obt servt

Albert G Boyce

Hon A. P. Tiste —

N. B.

Letters for me should be directed to the care of Robert D Millholland Ann St. Fells point Balts

Boyce, Albert G.
July 5th 1834.

Ma. N. O. State
Attala Co Miss

~~Masters of American vessels at Havana on the subject of desertion of men.~~

Havana Consulate No. 105.

Enclosure No. 3.

Havana 1st. November 1834

Sir.

We The Undersigned, Masters of American Vessels in this Port, Respectfully addrest ourselves to you as Representative of the United States of North America, that through you our Complaint may be forwarded to His Excellency The Captain General. It consists, Sir, in this, Nightly our Men desert, Stealing the boats of the Vessel they belong to, and we are convinced are induced to do so at the instigation and intrigues of a certain class of Individuals, We allude, to Foreign Landlords of Sailors boarding houses.

These Landlords, after having allowed the Seamen to run up an account with them, to what they Consider equal to a months advance, ase shipped on board other Vessels, the Masters of which Vessels being under an obligation to Sail, have no remedy left them, but to pay very heavy and extravagant wages to thes Men they Ship, to the great detriment of Commerce; or else these same Seamen are persuaded to Ship on board of Vessels Constantly departing for the Coast of Africa, under promises of a very high recompense, which is seldom fulfilled if the Vessel arrives safe.

(5)

Convinced

Convinced, as we are that the evil exists only in permitting Foreign Sailors boarding houses; we would, with all due respect solicit the interference of His Excellency the Captain General, as to their total Suppression or that he would be pleased to take some Steps to put a Stop to such Nefarious proceedings, so baneful to our Interests.

We have the honor to remain,

Sir

Your very obt Servants

Thomas Hunt, Brig New Castle — Boston

Stephen Morse Brig Wm Harris. [illegible]

Josiah E Monroe, Brig, Mechanic. Portland

James Stevens Ship Paige Portland

Lucius Wells. Ber Elizabeth. Salem

Wm R Gardner. Schr La. Monroe N York

William Kingsbury Bark Leop[illegible]

John A Moreland Esqre
Vice Consul for the United States of North America
&c. &c. &c.

Thomas Lane Master of the Ship Havana
Mess.rs W.m Staples Master of Brig Rodney - Westford
William Smith Mast.r of the Brig Juno
William Pratt 2.d Master of Brig Crusader
D B Barton Brig Rapid of N York
Henry Cole Schooner Climax Baltimore
James Gibson Brig Legonia of Baltimore
Jacob M Dillon Brig Albion of Portland
Daniel Hood of Brig Rovena of Portland
J.a S. Ross - Schooner John. C. Calhoun of Charleston
Paul. d. Olivier Ship Titus. New York
2.d Seaman Ship Rosanna, Boston
S. P. Fogg Barque Cavalier, Salem
Edwin Smith Brig Colombo
William Harding Brig Samos of Boston

Havana Consulate No. 105. Enclosure No. 4.

(Copy)

Consulate of the United States of America
Havana, October 1st 1839.

Capt.n Henry. W. Young
Ship Junior of New York.

Sir,

In our conversation today on the subject of the comi-
-munication contained in the New Orleans "True American" of
the 7th ult.o, which had been given me by your supercargo, Mr.
Isaac Hurd, you happened to express, without my asking it,
your opinion of the regulation now in force at this port, pro-
-hibiting ship-masters from employing or harboring on board
their vessels any sailor not regularly shipped by the licensed
shipping-master; who, in his turn, is forbidden to ship any
man without official proof from the Consulate of the Nation
under whose flag he came to the port, that he had been regular-
-ly discharged from the vessel that brought him. The opinion
expressed by you was, that the regulation is an excellent one;
and you added that you had long wished that one to the
same effect could be put in force in our country, particularly
at New Orleans, where it is most needed to protect our
shipping from the serious expense and inconvenience
attending the desertion of their crews.

I know that this opinion is entertained by other Captains of the respectable class to which you belong; (among whom, I believe, there would not be a dissenting voice as to the decided benefit, in various

Shapes

shapes, to all parties, masters, seamen and ship owners, which necessarily attends such a regulation,) but it has now occurred to me for the first time to obtain written testimony that this is the light in which it is viewed.

Will you favor me with a line acknowledging the receipt of this, and stating whether the statement it contains in regard to the opinion expressed by you be correct.

I am, Sir, very respectfully Your Obed.t Serv.t

(Signed) N. P. Trist.

Havana Consulate No. 105. Enclosure No. 5.

rec'd Oct. 2. 39

On board Ship Junior, Havana Oct 2 1839.

N. P. Trist Esq.

Sir

Your communication dated at the American Consulate Havana of the 1st inst has been duly received, on the subject "of the regulations now in force at this port, prohibiting Ship-masters from employing or harbouring on board their vessels any sailor not regularly shipped by the licenced Shipping-Master, who, in his turn, is forbidden to ship any man without proof from the Consulate of the nation under whose flag he came to the port, that he had been regularly discharged from the vessel that brought him" — My reply to you, as set forth by you in that document, is correct — that I consider it an excellent regulation

I am, Sir very respectfully
Yr. Ob. Svt
[illegible]

N. D. Trist. Esqr

American Consulate

Havana

Havana Consulate No. 185. Enclosure No. 6.

Harbour of Havana Oct 4th /99.

In reply to your Note of this morning, requesting that I should commit to writing the substance of my remarks (made in conversation with you) on the desertion of Seamen from our (American) Ships; I have now to reply, that I, without hesitation, observed, that the regulations recently introduced by you, were of a Salutary nature; and calculated to save the Ship Master a great deal of trouble. that it would be particularly beneficial to those who were steadily in the Trade. I observed that I felt more at liberty to speak of the benefit arising from the Law, from the fact that in my own case I was made to feel the hardship of it, inasmuch as I came to this port with the intention of selling my Ship. of course in a pecuniary point of view it was decidedly for the interest of my employers, to get rid of the Crew without paying them the extra three months wages required by Law. I stated that I had no disposition to get rid of my men in any illegal manner; and that if had so, I should have been prevented from attempting it by fear of detection - I stated that my crew urged me to pay them what was due & wink at, a consent, to their desertion & that I refused to discharge them in this way. The result is well known to you, as you have received the extra wages for every one of my Ships company, which were by law entitled to such wages. Had I complied with their request, they would doubtless now be incarcerated in the common prison -

The foregoing is, as near as I can now recollect, the amount of my remarks if they can be of any use to you in refuting any of the charges which are hourly accumulating against you (amounting almost to persecution) I shall be glad they were made.

I am Respectfully Your Obdt Svt

John D Goring.

late of Barque "Isaac Ellis"
of New York.

To N. P. Trist Esqr.
Consul United States, at Havana.

Note

(Not

(Note to the above letter. The writer, being a stranger at Havana, has fallen into one error, in stating that if he had discharged his men illegally, "they would doubtless now be incarcerated in the common prison." If arrested, as in all probability would have happened, they would have been brought before the Consul, who would immediately have given notice to the captain, that if he were disposed to part with his men, he must discharge them at the Consulate, according to law; and that in the event of non-compliance, he would be reported to the authorities here for violating the regulations of the port, and to those at home for suit upon his crew-list bond. A.P.C.)

N. P. Trist Esqr.

Consul U. S. A.

Present

Enclosure No. 7.

(Copy)

Having, at the request of the Consul of the United States at this place, perused a letter addressed by him under date the 1st of October 1839, to Captain Henry. W. Young, of the Ship Junior of New York, together with the reply of Captain Young under date the 2nd of October, on the subject of the regulation now in force here, prohibiting ship-masters from employing or harboring on board their vessels any sailor not regularly shipped by the licensed shipping-master; and being further requested by said Consul to state:

1st Whether we do, or do not, concur with Captain Young in considering said regulation an excellent one for the interests of all parties, ship-masters, seamen and ship-owners.

2nd Whether, in the whole course of our experience as ship-masters, we have ever visited a port where the desertion or the clandestine "absconding" of sailors, whether with or without the consent of the master, was as effectually secured against, as it now is in this port, so far as we possess any means of judging of the actual state of things in that respect.

We, the undersigned, American ship-masters now at the port of Havana, do reply to said two questions, Yes or No, as is written in the columns opposite to our names.

Begun October 4th 1839.

Signers Name	Vessel	Answer to the first question	Answer to the second question	Number of years of service as Master.
John Proctor	Ship Robin Hood	Yes		
Richd H Ellis	Ship Hellespont	Yes	no: except the Sandwich Isls	Twenty three years
John H Spring	Barque Isaac Ellis	Yes	no: except none	Twelve years
John I. Mattison	Brig. C. Davidson	Yes	no! without exception	Fourteen Years
Thos. Dukehart	Brig El Caballero	Yes	no. without exception	Eleven Years
Wm Crothers	Schr. Richd Linthecum	Yes	no. without exception	Twenty five Years
James Simpson	Brig Cynosure	Yes	no. without exception	Twenty eight Years
Geo. B. Sturges	Ship Michigan	Yes	no. without exception	Nine Years
William Summers	Brig General Brooks	Yes	No.	Twelve Years
James Burnham	Brig Perseverance	Yes	No.	Twenty seven Years
Richd Adams	Ship St Thomas	Yes	No.	Thirty six Years
I. Etchberger	Schr. Guatr Packet	Yes	no.	Six Years
Benjn F. Smith	Brig Lincoln	Yes	no.	Eleven Years
Morgan. S. Gordon	Barque Ellen	Yes	no.	one year
John Edmunds	Brig Caroline	Yes	no.	Twenty six & 1/2 years
Thomas. T. Wingate	Schr. Cocquall	Yes	no.	Nine Years
James Pederson	Brig Patsey. B. Blount	Yes	no.	Eight Years
Jacob Pike	Ship Senator	Yes	no.	Four Years
Charles. M. Folger	Schr. Hope and Susan	Yes	no.	Four Years
John Young	Barque Clarion	Yes	No. without any exception	Thirteen Years
David. B. Barton	Ship Norma	Yes	No.	Twelve Years
Richard. L. Ward	Barque Rapid	Yes	No.	Eight Years.
			No.	Twenty Years

Closed Decr. 9. 1839.

No. 26 Spain
Mr Livingston.
No. 106.

Consulate of the United States of America
Havana, December 10th. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to transmit (Enclosures No. 2 and No. 3.) a copy of a correspondence between myself and Mr. Z. Sellison of Boston, together with some extracts (Enclosure No. 1) from the "Boston Mercantile Journal" of September 6. 1839; which paper, strange to say! has never made its appearance here, (where a very general curiosity was awakened in regard to it) until procured by myself through a friend in Boston.

The extracts will be seen to consist of, 1st. the leading editorial, calling attention to the proceedings of the two meetings held at Boston; 2nd the remarks published as having been made at the first by Mr. Sellison; and 3d the Resolutions reported by a committee, consisting of three members, of whom

Mr.

Mr. Sellison was one, appointed "to examine into the subject" and report the result.

The allegations embodied in these resolutions may, not illogically, be presumed to be, if not all, at least the strongest, for which the committee, in the zealous discharge of their duty of examination, had been able to discover plausible grounds. There is not one of them that will not be proved to be utterly destitute of truth: to which proof, will be added, in regard to no unimportant portion of the matter of which they are made up, a demonstration of its utter absurdity. To these grounds of crimination, so deliberately weighed and selected as the basis of the withering sentence passed upon me, my defence might, without impropriety, be confined: leaving the composition of all lighter matters collaterally exhibited on the occasion, to be inferred from that of the more solid, to which, as would seem, they had been deemed fit only to serve as garnishment. A special demonstration of their nature will, however, subserve purposes of public utility. For this reason, it has entered into a plan long meditated and already in part executed. They, therefore, will not escape the touch of the spear of Truth. The hardships experienced by the orators who figured on the occasion, Captains Fogue, Bradbury and Hooper, will them stand in their

primitive

primitive nakedness; and then will it be seen, in regard to the first of the three, that, had an American man-of-war been in port, and had I been able to forsee what, upon one of its victims, proved to be the early consequence of his dastardly ferocity, he would have expiated it upon the gallows, or be now, repenting it, perhaps, in the penitentiary.

This extensive field cannot, however, on the present occasion, be entered upon. It has been glanced at merely to preclude the supposition that it contains aught that I fear to grapple with. I must here confine myself to the points presented by the correspondence now transmitted.

The purpose for which my letter to Mr. Sellison was written appears upon its face; as also do the grounds from which arose my supposition, that by addressing him, that purpose might be effected. How far this supposition has been realized, it is for others to judge.

In the result, there is one thing which has created in me astonishment. What I had asked for, I expected to receive: a candid statement of what he had averred, and what evidence his averments rested upon. This was all that my

purpose

purpose required, — all that I expected, — all that I wished. It had never occurred to me as possible, that his reply could do more than put it in my power to demonstrate, (as I knew it could not fail to do, if he had advanced any definite allegation against me on any subject whatever) the extent to which the circumstances of my position subject, not only my character and motives, but my very acts themselves, to the most preposterous misconception, even on the part of men possessing every requisite of character and of position to give to their honest convictions a general passport through society.

Judge then my astonishment — and, I can unaffectedly add, my regret — when, after perusing his letter, and noting the sentence, "The reporter not only makes me say much more, but in a manner which I beg leave to disclaim.", my eye rested (as it then did for the first time) upon what the reporter had made him say, — what he had allowed to go forth to the world as his, — as his <u>testimony</u> to what "he had <u>witnessed</u>"! and, <u>undisclaimed</u>, in substance or in manner, to work, undisturbed, whatever effects it might belong to it to produce!

Nor has this astonishment lessened

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at what has this moment taken place for the first time: the sight, among the three names on the committee, of the name appended to the letter containing the above quoted sentence; and the perusal, in consequence, of those Resolutions which, prepared with his instrumentality, and presented with his sanction, had, on his motion, been accepted! What I here find bears stampt upon its face the certainty — and a heart-sickening certainty it is — that, in it, "the reporter" had no hand, to make or to mar.

Turning from the mortifying spectacle thus unexpectedly presented to my eyes by this disclaimer, I will now enter upon the examination of the matter, for the purpose of obtaining which my letter had been written.

In the published proceedings, Mr. Sellion appears as the second speaker who addressed the meeting, nor is there any intimation of this having occurred otherwise than spontaneously. From his letter it appears, that, having been "attracted to it more by curiosity than by any interest felt in the subject matter to be discussed," he was, "however," "in the course of the evening," "called upon, having recently returned from Havana, to state what I knew in relation to your official conduct."

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The first part of the statement thus unexpectedly drawn from him, "as nearly as I can now recollect," is, "that I never had but one personal interview with you, which was on business; and although we then had a trifling altercation, the occasion did not, as I conceived, elicit any decisive traits of character."

The occurrence here alluded to has left no trace upon my memory: a fact that affords but little cause for surprise; seeing that no small portion of my official existence has been made up of what may, in one sense, be called "altercations;" that is to say, attempts (seldom conducted in any other tone than that of dictation and defiance, nor often unattended with a trial of the efficacy of the terrors of clamor,) to drive me from the course laid down by the law, or manifestly required by fidelity to it. But, although my memory retains no trace of this incident, there is one point involved in it, in regard to which I can safely venture upon a positive assertion. The occasion may have failed to elicit all "decisive traits of character," save one; but that one, it did certainly bring out: inflexibility. In the above sense of the word, numberless have been the "altercations" which it has been my portion to have to submit to, in such patience as I could command; but never have they been attended with any other result than to leave

me

me exactly where they found me. In regard to my forbearance on such occasions, its measure has ever proved such as to enable me to challenge the allega=
=tion of a single instance in which it did not stand the trial: severe as this has often proved. On some three or four occasions since my service here began, I have required the parties to leave my office; but this has occurred, not from impatience, but from the fact that their deportment was such as to render it my duty, in the protection of my post from flagrant and purposed insult. Before quitting this topic, I may be permitted to advert to one fact: In the report from the Secretary of State on the Con=
=sular establishment, transmitted to the Senate March 2. 1833, the system of compensation by fees is dwelt upon with great earnestness, as a main source of "illegal exactions and oppressions," "disputes and the loss of official dignity." Among the numberless allegations to which my course has given rise, not <u>one</u> has ever appeared, ascribing to this source any "altercation" with me.

Mr Sellison next says: "Nevertheless from various circumstances which had come to my <u>knowledge</u> during several months' residence in Havana, and which, indeed, were the theme of much conversation, I had formed an opinion

that

that you was a man of haughty and supercilious deportment, and of austere and repulsive manners, and would not be likely to discharge the duties of your office acceptably to American ship-masters, whose business necessarily called them into daily intercourse with all classes and conditions of men, and who of all others were, perhaps, in their habits and feelings, the most strictly Republican, and therefore in danger of mistaking official dignity for self-estimation and conscious superiority."

Here we are presented with two pictures: the one of the Consul, the other, of that class of his fellow-citizens, with whom chiefly his duties bring him in contact. From these two pictures is suspended the inference, that the individual represented in the one "would not be likely to discharge the duties of the office acceptably to" the class painted in the other.

With regard to this inference, it cannot escape notice, that, admitting both pictures to be faithful to nature, its sole support at one end consists of a painting wherein all is left in the shade except the mere air, — the bearing and carriage, — of the person represented. His "deportment" is seen to be "haughty and supercilious;"

his

his "manners," "austere and repulsive." All else is out of sight: darkness fills the space occupied by those other "decisive traits of character," which are likely to be elicited in the discharge of the duties of the office. Turning to the other picture, the same want of completeness is there manifest. Nothing meets the eye but the superior strictness of their republicanism "in their habits and feelings;" and this, portrayed, not <u>in action</u>, — not in any of its active manifestations, calculated as these cannot but be to bring out decisive traits of the Consuls' character, in regard to the matters upon which the office compels him daily to act, — but simply and solely in the passive liability to which it exposes them, to receive erroneous impressions from "official dignity," in mistaking this for "self-estimation and conscious superiority."

Thus much in regard to the <u>nature</u> of these two pictures, supposing them <u>true</u>; and to the materiality of the particular, in regard to which they support the inference, that such an incumbent of the office would not be likely to discharge its duties acceptably. I will now take their truth for my topic; and I will begin by bringing to notice some particulars in the character of our ship-masters, of greater materi-

-ality, particularly when considered with reference to what may be likely to prove an acceptable mode of discharging the duties of the Consular office, than the impressions to which they may be liable, through the proneness of strict republicanism to mistake "official dignity" for personal arrogance.

American Ship-masters would constitute a very remarkable variety of the human species if, with reference to the relations in which they stand towards the men subject to their power, and, through the former, towards the minister of the law charged with duties bearing upon the subject, they did not arrange themselves into two radically distinct classes. They present no such phenomenon, — they do thus arrange themselves. The one class consists of men who love justice, — who think it right to do as they would be done by, — who respect the law, and comply with its requirements, — who experience no difficulty, whether it be towards a private individual or towards a minister of the law, in reconciling the manly bearing which becomes an american citizen, conscious of his dignity as a man and recognizing nothing but an equal in any other, with the respectful and brotherlike deportment to which every other is entitled at his hands. This, in my acceptation of the

word

word, is republicanism: and these men are re-
=publicans. The republicanism of the other class
consists of different elements: these are, contempt
for every dictate of justice, — defiance of the law
wherever they think it may, with impunity be
set at naught, — and unbridled hate for every
man who, unsupported by a power to convert
that feeling into fear, shall dare pretend to set
bounds to the sway of their licentious free-will.
Themselves unconscious of the inherent dignity of
a <u>man</u>, and ignorant of the influences with
which the sentiment is ever attended in the
bosom wherein it has been developed, they can-
=not conceive but that "self-estimation and con-
=scious superiority" must accompany the possession
of office; and unless their favor be sedulously courted
by such artificial manifestations of a contrary
spirit as every true american freeman estimates
at their true worth, as an insult to his under-
=standing, but which constitute the only evidences
by which their minds are capable of being satisfied,
they deem it their right to assert their equality
the only way they know how, by the indulgence
of their proneness to treat with gratuitous indig-
=nity the arrogance which exists only in
their distempered fancies.

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These are true pictures, in regard to essential points involved in the relations wherein he stands towards them, of the two classes of men with whom a Consul has to deal. The course by which the duties of the office may be discharged "acceptably" to the latter class (one individual of whom, it is scarcely requisite to observe, makes more noise than the whole of the opposite class) may be summed up in a few words: subser-=viency to fraud, tyranny and ruffianism in every shape that a sailor may be made the victim of; and, to crown this, a sedulous dis-=claimer of "conscious superiority," by frequent exhibitions of himself in coffee-houses, and a readiness to act his part in the ceremony of grog-drinking. In proportion to the strictness with which he follows that course, will be the strictness of his republicanism, and the loudness with which this will be proclaimed. The other class will indeed look on in contempt; and its silence may sometimes be broken: but it will make no noise, — make the welkin ring with no clamor.

Nor is it difficult to perceive how, through the ignorance which must necessarily prevail among the whole in regard to individ-=ual character, and through the detestation of

every

every true american for official wrong and op-
-pression, the minds of the better class may be
poisoned and the good motives by which they
are ever actuated be perverted, by tales of falsе-
-hood originating in the malignity and revenge
of the basest members of the worse.

That the influences of this kind which
have, for years, been incessantly at work in re-
-gard to myself, should have worked altogether in
vain, was not to be expected. There is one fact,
however, which shows that their efficacy has not
proved so great, by any means, as is doubtless uni-
-versally supposed; and to this fact I invite atten-
-tion. The clamor has been sufficient to rend the
heavens asunder. But the voices which refused to
join in it have been suppressed. Let this matter
be looked into. Let the New York, and the
Boston, and all other committees be called upon
to produce lists of the ship-masters trading to
Havana, whose concurrence has been earnestly
invoked, by personal application or by letter.
Let them be required to produce the names of
those who yielded to the call, and of those who
refused; - the replies of the former and the
replies of the latter. Let captain Rossiter, the
president of the New York association, be required

to

to give, in evidence, whatever assurances he may have personally received in regard both to my general character and to the truth of particular charges, from captains whose experience at this place constituted one title to credit; and let him be further required to state, with regard to the character of each of those captains, all that he knows or that he believes, and all that he may know the Insurance companies to know or believe. A scrutiny of this kind will produce developements, such as few are prepared for. My own astonishment, at least, has not been slight at learning the truth, which has come to me from every port, from Charleston to Portland, that this crusade has been persisted in under a full consciousness of the wrong the actors were doing. Whilst I was giving them credit for good motives and praiseworthy intentions, they, (as I have since had the mortification to learn) were persisting in conscious wrong-doing; and, that this might be the more effectual, suppressing the testimony to the injustice of their course, which their industry to collect voices in its support had undesignedly brought out.

Proceeding to the other picture, I come to the subject of <u>self</u>: one which, if in my eyes it

possess

possess no attractions, is not less devoid of terrors. The character here portrayed is, a silly, pompous "aristocrat," in the very lowest sense of the term, — an inflated fool of pride. The picture does not, however, profess to be an original. 'Tis only the sketch of a conception, — of "an opinion" formed in the mind. It was awakened, 'tis true, by "various circumstances which had come to my knowledge during several months' residence in Havana, and which, indeed, were the theme of much conversation." But in this world, unhappily, few elements enter so largely into the composition of "the themes of much conversation" — especially in regard to a man so situated that he must sell his soul for peace, or make enemies — than falsehoods: and a falsehood uttered in one's presence constitutes a circumstance that has come to his knowledge. Although, therefore, this imposing word occurs among the grounds of that "opinion," of which Mr Ellison's picture is a likeness; yet it appears from his own showing, that even that opinion may be nothing than a vain illusion, conjured up by the Father of lies, to answer his own good purposes.

I will now, by stating what my character

character truly is, in the particular here brought into view, present the reality for which that il- -lusion was substituted. If, then, there be upon this earth, a democrat, — a democrat in feeling no less than in principle, — a man who carries in his bosom, that which calls every other man "brother," — a man whose settled habit of feeling no less than his deepest conviction, in regard to pride, whether of purse or of place, are such that 'tis impossible for him to do otherwise than look down upon them, — a man whose habits of thought are such that in his mind the idea could never so much as arise, of making the "official dignity" of any post in which he might be placed, consist of aught but the character of his acts; the principles and sentiments, the powers of intellect and the feelings of the heart, whereby his course should be governed, — a man who, if he were master of his own time, would not exchange the smallest fraction of it for all the distinctions the world could shower upon his head, — a man whose convictions and feel- -ings upon this subject generally are so thorough, so decided, so active that if an alternative were presented to him for his children, con- -sisting, on the one hand of the same convic-

-tions and sentiments, coupled with poverty and manual labor for life; on the other, of their opposites together with exhaustless wealth, he would experience no hesitation in selecting the former, — if there be such a man upon earth, I am that man. Question those who have personally known me at any period of my life, from boyhood to this hour; and as whether they can recollect a single fact in contradiction with the above picture of the inner man; — whether, in precise proportion to the fulness of their knowledge of him, their testimony will not corroborate it. Ask whether they have ever known me to omit rendering any service in my power, not irreconcilable with my principles or with my views of justice to others, to any human being. Ask whether they have ever known me to price, or affect to price, any man, except according to my estimate of his worth, not to myself, but as a member of society. Ask whether I have ever been known to seek an occasion, or to avail myself of any that offered, for making myself conspicuous; whether I have ever been known not to take cordially by the hand, wherever I might meet with him after long separation, any negro acquaintance whose qualities rendered him res-

-pectable

=pectable in his station; — whether they do not believe, that, to give the same hand to any white man, however distinguished by wealth and dis=play, however exalted in station, whose moral character I should hold in contempt, would, so far from the opportunity being courted, be shunned by me.

If there be any truth in this sketch, it follows that the "circumstances", a "knowledge" whereof served to impregnate the mind of Mr. Sellion with the conception that has been perpetu=ated upon his canvass, cannot possibly have consisted of aught but misrepresentation or sheer fiction. If my "deportment" has been "haughty and supercilious," the haughtiness has been, not in my carriage or demeanor, but in my acts, — it has consisted in my immoveability, — in the impossibility of making me swerve from the line of conduct marked out by my knowledge of the law and dictated by my conscience; the superciliousness, in the absolute <u>indifference</u>, evinced on all occasions by my quiet steadiness, and doubtless by my countenance also, to all attempts at dictation or intimidation, — in the utter <u>disregard</u>, ever manifest in my language, my bearing and my face, of all the influences

that

that could be brought to bear upon me; of the daily torrents of coffee-house and boarding-house execrations and calumnies, and of the incessant machinations of which I have for years been notoriously the subject; but which never had power to so much as awaken in me even a momentary curiosity, and but seldom, when my attention was called to them by others, to draw from me any other notice than a smile.

This is what, in spite of the most democratic simplicity and unpretendingness of manner no less than of feeling, in one whose contempt for every stage-trick of every kind, whether of decoration or of manner, used for setting off the person of the man in office, literally knows no bounds, — who sits at a cedar desk, works at it in a round jacket, and there receives every one who approaches him with as little thought of arrogating superiority to himself as if he were travelling with the same person in a stage-coach; — this is what serves to add fuel to the flame, in the bosoms of men who, having been put beside themselves by the bare thought of a consul's <u>audacity</u> in pretending to usurp control over their conduct, come in such mood to question him. This, it is, that, in the eyes of persons incapable

of

of understanding it, may seem to be haughtiness and supercilliousness.

With regard to the "austerity" of my "manners" and "aspect," it has, for years past, constituted one of the favorite points upon which to enlighten strangers, far and near, even through our press; and it has the merit of having afforded a subject of merriment to those personally acquainted with me. It would not deserve notice but for the singular coincidence, that the individual against whom this heavy charge has constituted a standing head of accusation for upwards of four years, (in spite of the constant contradiction afforded to all observers by the fact, that it requires no small effort on his part to repress the smile that is apt to dwell upon his face upon all occasions except those of manifestly purposed brow-beating or insult, and sometimes even on these) - that this individual happens to be the immediate successor in office of William Shaler. A man who, distinguished as he was in many respects, could not possibly have been, in any, more remarkable than he was every where known to be for the turklike gravity of his carriage and demeanor, and the austerity of his countenance and manner in conversation:

particulars

particulars in regard to which he was noted among our countrymen, for being different from every other the country had produced; and which were so striking even in the eyes of "the grave Spaniard," that the very first "Don" with whom I chanced to form acquaintance upon my arrival here, (Don José Carrera, a bosom friend and daily companion of Admiral Laborde, who stood preëminent as an admirer and friend of our country and was much attached to Mr. Shaler) remarking upon the difference of our countenances and manners, related, that, shortly before Mr. Shaler's death, he had asked him if he never smiled; saying that if such a phenomenon could occur, it would do him good to see it for once in his life.

It might seem scarcely conceivable that a misconception so utterly preposterous could possibly obtain currency in regard to any man. In the present instance, however, there is no difficulty in accounting for it. Pages might be filled with occurrences affording countenance to such an idea of my character: particularly when seized upon and worked, as they have ever instantly been, with all the industry that personal malice and revenge could inspire. They may be summed up, however, in the one fact, that

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I am not personally known, except to the extent of the merest bowing acquaintance, to a dozen men in Havana. I do not go into company at all, I frequent no places of public resort of any kind. My time has been exclusively passed in my office, and at home. This has unavoidably been the case, from the arduousness of the duties of the office; under that sense of them, at least, by which my official course has been governed. Had my views in this respect been different, or had my character been such as to admit of my laying my head upon my pillow under the consciousness of having shrunk from the task which, as an officer, as a citizen, as a man, the position in which I was placed ever called upon me to buckle to,— the office might have been a sinecure; and I might have had abundant time to expend in daily exhibiting myself at coffee-houses and boarding-houses, at theatres, balls and bull-fights: and thus might have been accomplished the important end of affording contradiction to the inventions of revenge and hate, by demonstrating to every eye, that I was not haughty. There was, indeed, another sacrifice at which, through the same means, the same result, although to a far less satisfactory extent, might have been secured.

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this was, by devoting in the way just mentioned, the small portion of my time given to the exercise which my constitution requires, — without which I can neither enjoy bodily health nor possess mental efficiency; and adding to that fragment the other mites which are all that have fallen to the share of my wife and my children. Had this sacrifice been made, and had I been further willing that the little life that was in her should be wasted in the same way, and in the preparation of additional evidences of my exemption from haughtiness, the manifestations might, so far as they went, have proved satisfactory, and the advantage to some extent have been secured. But, for neither of these sacrifices was I prepared. She had the duties of a mother, — of a Virginia mother, to fulfil; and, although in an office which made a slave of me in one sense, I, too, was an "American citizen;" nor had its possession divested me of the rights of one. One of those rights I maintained: that of giving to my family, — that of devoting to the formation of the characters of those who were dependent upon me for their future worthiness to be american citizens, the small payments of time which could alone be snatched from official work;

and

and which alone, unless to the utter neglect of what I knew to be the duties of my post, could possibly have been spent in paying those unmeaning and utterly fruitless (except to the interest of the payee) "attentions," which, in some eyes, constitute the most important of its obligations, — indeed the sole end for which the office exists. My life has been passed at my office and at my home; and at the latter, I have entertained no company, because my pecuniary condition has not admitted of the possibility of my doing so, even to the most limited extent, without such a sacrifice of time as, on my part would have been utterly inconsistent with attention to my official duties, and on the part of my family, as less irreconcileable with its well-being, in health or any other respect. Except on these terms, I never could have invited a stranger to a dinner half as good as that which he would have lost by leaving the table of the hotel where he lodged.

The uses of which such a life of seclusion is susceptible for the ends of malevolence are perfectly obvious; but the untiring industry, above all the reckless audacity of falsehood, with which the advantage has been plied are altogether inconceivable, except to one by whom the scene has been witnessed from its beginning, with a full

knowledge

knowledge of the actors engaged in it. A faint idea only is afforded by the statements and documents constituting Enclosures No 1 and No 2 of my No. 84. — There, will be seen, accompanied by the proof of its utter falsehood, the preposterous invention with which "Col. O. H. Throop" (one of the three persons referred to by Captain Wendell in his letter to Commander Babbit —, to substantiate his statements) had the effrontery to entertain Lieut Contee of our Navy. There, will be seen likewise, the Fourth of July celebration of 1838, by "the American residents in the city of Havana," as published in the "Charleston Mercury" of July 24; the arrival of which paper at this place occasioned no small surprise among the American merchants and other residents at Havana; most of whom had never, until then, so much as heard of these patriotic "proceedings". On their face will be seen the fact that "Col. O. H. Throop" presided over them, assisted by "Dr. E. D. G. Bumstead" and "Mr. Antonio Herrera;" (the latter, a lad, whose father holds office under the government here, then a clerk in Ferdinand Clark's employ) and, appended to them will be seen the proof that, of the persons who figured on the occasion, not one except Dr. Bumstead was known, so much as by name even, to either of the three principal American merchants

merchants resident at Havana. As another speci-
-men of the same species, I now enclose a copy of a
[Inclosures, No. 4. 5. 6. 7.]
correspondence between myself and the same three
merchants, on the subject of an article which origin-
-ally appeared in the "Pensacola Gazette," giving an
account of the doings of Commander Babbit at the
port of Havana, and of an "address" and a "dinner"
thereby elicited: the address being represented as pro-
-ceeding from "the American citizens resident there,
and masters of vessels in port at the time;" and the
dinner from "the merchants and shipmasters in
port." It will be there seen, in regard to this
dinner, that not one of the three had ever so much
as heard of it; and, in regard to the address, that it
had been so much as heard of by but one of the three,
to whose notice it had been brought particularly
from the circumstance that it was mentioned to
him by "a Boston gentleman who happened to
be here at the time," which gentleman, having
been induced to sign it "under a false impres-
-sion of its object," spoke of this to Mr. Knight
"for the purpose of expressing his regret at having
done so:" this having been done "incautiously
at the request of captain Wendell." Here, then,
we have one chapter of the genesis of this "address,"
which has since become so world-famous, and

has

Question.

has served for corner stone to the monuments erected at New York and Boston to the three virtues, Truth, Justice and Patriotism! If any further chapters be wanted, they can easily be procured. The only difficulty would lie in finding a man who had read the paper before putting his name to it. Some were told that it was a complimentary address to commander Babbit, to repay the kindness and zeal evinced by him in serving his countrymen; others, that it was a paper having for its object to get some american sailors out of prison here! Such are the accounts of the ways which signatures were obtained, (some are said to have been produced by a pot caliper process) or that have been current among our ship-masters ever since the matter has so much engaged public attention; as several of them have spontaneously mentioned to me. I would have secured their testimony but for the fact, that my day consists, like that of other men, of only twenty-four hours; and, as I have observed in a late communication, the mountain of falsehood that has been built up around me is such, that, to lay all its bowels bare would prove a life-labor for Hercules himself.

I will add but one other illustration upon this point. On the 19th of March last, I had occasion (in the case of the brutal treatment

of

of a sailor, that constitutes one of the series to be reported by me hereafter) to request Dr. B. Ballard of Louisiana, then a guest at the "Mansion House," (the first hotel in this city) to accompany me to one of the hospitals. He did so; and upon our return, he evinced his friendly feeling by making the extreme "bitterness" of that which prevailed here against me, and of which the intensity of which, he believed that I "could have no idea," the subject of conversation. One fact, in particular, he deemed it his duty to apprise me of; as he had expressed his intention to do at the time it was mentioned: saying, "if Mr. Trist is to be murdered, he should, at least, be put upon his guard." Among the guests at the Mansion-House was Mr ——, of Louisiana, a gentleman who had arrived here with expectations, not unfounded, of very marked personal attentions from me: expectations, towards the fulfilment of which I had taken every step in my power, under the very peculiar circumstances in which I was, at the moment, placed. They had, however, been altogether disappointed. Among other illustrations of my official character, which furnished ammunition wherewith to kill time at the Mansion-House, was one, whereof the gentleman in question had been the contributor.

It

It was the story of "a poor old man", an american citizen, who had been long involved in a suit with some spaniards; and the Consul, instead of giving him the countenance and aid to which he was entitled, did all he could to help the Spaniards against him. But his patience was nearly worn out, and desperation was fast growing in its place; and if this confederacy should succeed much longer in keeping him out of his rights, he had come to the fixed determination to kill the Consul, and then as many of the Spaniards as he could; after which, they might take his life and welcome, as they had robbed him of his all.

Such was the story! told to put me on my guard against premeditated murder. Dr B's. friendly purpose fell, however, very short of its ending, that, never having heard of any case of the sort, I could not have the faintest idea of the person of my intended murderer. My curiosity being somewhat excited by a fabrication of so novel a character, I mentioned the villanous part that I had been acting here to one of our oldest and most respectable merchants, (Mr Edward Spalding of Connecticut) and enquired if he could form any conjecture as to who our unfortunate countryman might be. His extensive knowledge of persons

and

and things, united with his yankee origin and education, enabled him to form one guess upon the subject. Describing the person of a man of very remarkable appearance and habits, he asked if I had never noticed him; and, upon my answering in the affirmative, he said that he was, no doubt, my victim: inasmuch as he had long been said to be in the habit of telling people (which Mr S. emphasized with a laugh) of an important law-suit in which he was a party, and which had required him to make two pilgrimages on foot to Principe, (the seat, until very recently, of the only "Audiencia," or Supreme Court, in the island.) The person here designated by Mr S. is one who had long been familiar to my mind, as the only specimen I had ever met with, corresponding to my idea of the lazzaroni of Naples. He is a man of immense stature and frame, evidently not of the Spanish race, who is ever to be seen, in slovenly and filthy garb, basking on some of the public seats around the Plaza, or walking with the pace of a sloth, and apparently without any particular destination, about it or the neighboring wharf. Mr Knight, who has been here upwards of twenty years, tells me that he remembers him, just as you see him now, as far back as he can recollect; and captain Stanhope of New

Port

Port, R. I., recently informed me that the man is, he believes, an englishman, who made his appear=ance there a great while ago, and married quite respectably. Upon enquiring in regard to his means of subsistence here, I am told that he once had some concern in a water-tank, and has also been a sailor's "crimp," but that more recently he has depended chiefly for his victuals upon charity from our vessels, sometimes earned by enacting the part of a "patriot," in abusing the Consul for his tyranny over ship-masters and villany in other shapes. For three or four months past, a part of his occupation (which may, without my being aware, have dated further back) consists in <u>making faces at me</u>, (literally) when I chance to meet him in his perambulations or to pass a spot where he is taking his frequent <u>siesta</u>. But for his being a foreigner, he would doubtless have come under the cognizance of the authorities, in the discharge of their duties under the laws against vagrancy; by seeing to the enforcement of which General Jacon purged this city of so many worth=less vagabonds and dangerous characters, conver=ting them into useful stone-crackers for Mc adam=ising the streets. An employment which more than one foreigner (some from our country) has

escaped

escaped solely from his being a foreigner, and being in consequence, supposed to have some employment connected with commerce or the shipping in port. Such (for no one doubts that he is the hero of the law-suit tale) is the poor victim of Consular iniquity who supplied the gentleman at the Mansion-House with a topic for the display of his patriotic indignation at the omission to render him the personal attentions which he had counted upon receiving at the hands of the Consul.

Returning to Mr. Sellison's letter, we find that he "stated some facts in relation to the incarceration of Capt. Wendell of the brig Kremlin and the condemnation of the crew of the Ship Wm. Engs, your agency therein, and expressed an opinion, that, in both cases, you were decidedly culpable, having made use of your official power to injure and oppress your countrymen.

"These are the remarks I made so far as my recollection serves me. The reporter not only makes me say much more, but in a manner which I beg leave to disclaim."

This disclaimer has already been the

subject

subject of consideration under the two several aspects in which it arrests the attention, to wit: the time at which it takes place and the circumstance by which it is then elicited; and the relation which it bears to the fact, that Mr. Jellison was one of the select committee of three, from whom the Resolutions emanated.

It is here again brought into view solely as the complemental part of that passage of Mr. Jellison's letter which constitutes his fulfilment of the first branch of the task imposed on him by my request to be furnished "with a statement of all remarks made by you at the meetings, exactly as they were made;" and that besides making such statement he would "specify as far as possible, in respect to each fact regarding me, whereof you may possess a knowledge or entertain a belief, every circumstance of time, place and witnesses: distinguishing particularly matters which you know from matters of hearsay; and, in regard to the latter, giving, above all things, your sources of information."

In the concluding words of this passage are expressed the second branch of my request; Mr. Jellison's fulfilment of which will

come

come into view after we shall have disposed of the first. Here, instead of the matter which the terms of my requisition so plainly call for, — instead, particularly, of that catalogue of facts, — each so complete in itself, and the array of the whole so precise and perfect, that to look upon such a sight would do any old veteran martinet's heart good — which cannot but be anticipated by every one in any thing purporting to be an answer to that call, — in-stead of an array of this sort, not a single fact is to be found! Of the twenty-five lines whereof consists the portion of his letter purporting to be a compliance with my call for facts, nineteen afford nothing more substantial than the "trifling altercation" which "did not, as I con-ceived, elicit any decisive traits of character," followed by the two pictures already considered, of Mr J's "opinion" or conception of me as a man of haughty and supercilious deportment, contrasted with the superior quality of the Republ-icanism of american ship-masters. And of the remaining six lines, although they begin in a manner affording a promise of something more tangible, the one half consists of nothing else than an other "opinion;" and that, too,

not

not a little hazardous in its character: seeing that it is advanced upon such ticklish ground as the recondite truth, that it is "decidedly culpable" in a Consul to "make use of his official power to injure and oppress his coun-
-trymen." Besides this adventurous flight into the region of speculation, the paragraph presents nothing except the fact, that Mr. Sellison had "stated <u>some</u> facts," and that these "some facts" were "in relation to the incarceration of Captain Wendel of the Brig Kremlin and the condemna-
-tion of the crew of the Ship Wm Engs;" and the further fact, that he had stated my "agency therein."

This is all so exceedingly vague, that to find any thing at all tangible, it is requisite to have recourse to the newspaper, and see what "the reporter makes" Mr. Sellison say. This, although it may contain "much more" than he did say, may be supposed to consist, in part, of what actually did come from him; and, as it has the merit at least of being made of stuff that can be grasped and handled, — of matter that has substance enough in it to be made the subject of a positive averment, and enable a man to say, "it is true", or "it is false," — I will avail myself of this property in it by attaching to it

my

my solemn affirmation, (and pledge to make it good) that the whole mass does not contain one single atom of truth.

Of all the preposterous versions of captain Wendell's case, — of all the preposter- -ous nonsense in any shape that it is to be found in the century of inventions with which our press has been made to teem, — the paramount place is beyond dispute due to the version of that case, here put into the mouth of Mr. Jellison. An American captain is "most unjustly ordered" by the Consul to pursue a certain course. "There being no such obliga- -tion imposed" upon him by the laws of his country, this American citizen has the temerity to "remonstrate" against the unjust and illegal order. This temerity gives rise to "high words between the parties;" and, insensed at such unheard of and ineffable audacity, the Consul complains to the Captain General and requests that his fellow-citizen be thrown into prison. This is accordingly done; and there he languishes for six months, — the Consul re- -maining all the while deaf to his entreaties "to be released from confinement, or sent to the United States to be tried by the laws of his country";

country;" and he is finally rescued only through the interposition of a Naval Commander, to whom the Consul denies all knowledge of the matter, but who sifts it until he ascertains that the sole cause of this iniquitous incarceration has been "the request of the American Consul"!

Such is the tale! The time, the nineteenth century; and the actors, two american citizens! Why, if any imagination of the fourteenth century had been strong enough to construct such a fiction, Austrian Gessler himself would have taken pattern after it, and kept his cap on his head; and William Tell might perchance have remained hid in the Swiss peasant, lost to his country and to the world.

The paragraph of Mr Sellisons letter beginning with his above quoted disclaimer, in regard to both matter and manner, of "much" of what "the reporter makes" him say, presents nothing very remarkable, unless it be the disclaimer by which he introduces his assertion of the "right enjoyed by every american citizen, of <u>discussing</u>, <u>dispassionately</u> and <u>frankly</u>, the official <u>acts</u> of

those

those placed in authority." This is prefaced, as will be perceived, by a disclaimer of all "unfriendly feelings," and a correction of the misconception evinced by that part of my letter in which I had ascribed to him an "active part" in the proceedings against me. Upon this point, I can only say, that I stand corrected, and have nothing to offer in excuse for my hasty adoption of so injurious a belief, than the fact, that I was led into it by the stress laid upon his name, by a New York editor, professing to give an honest account of the lengthy proceedings contained in the Boston paper. My letter was written long before the exact truth of the matter lay before me on the face of this official document. But for its tardiness in reaching here, I should hold myself unpardonable for my recklessness in supposing an "active part" to have been taken in those proceedings by a gentleman who, attracted to them "more by curiosity than any interest felt in the subject," was, nevertheless, "in the course of the evening" (he appears but as the second speaker in order of time) "called upon, having recently returned from Havana, to state what" he "knew"; and who was

only

only one of the three by whom were reported those "Resolutions," so utterly unexceptionable in point of moderation, — so preeminent for tenderness even, — so stampt with every proof of their being the genuine fruit of a most conscientious, scrupulous, and brotherly exercise, of the "right enjoyed by every american citizen, of discussing, dispassionately and frankly, the official acts of those placed in authority."

We have now reached the part of Mr. Sellison's letter responsive to the second branch of my request: that, in regard to all matters of hearsay, as distinguished from those known to him, he would give me his "sources of information." And first, the Wendell case:

"My knowledge of the facts in relation to Capt. Wendel's case was first derived from him; but considering his an ex parte statement, I regarded as matter of fact so much only as was corroborated by subsequent statements made by Capts. Baxter and Brewer of Boston, and Kemble of Salem, all whom I consider very respectable men; and lastly by Mr. W. Bruce of Havana, a gentleman of great

great respectability who appeared to be very friendly to you, and who related some exculpating circumstances, such as insolent language and ungentlemanlike demeanour on the part of said Wendel." So difficult is he to convince, that, even in regard to a train of occurrences so perfectly natural and so obviously probable between two american citizens placed in the relation of Consul and ship-master, and concerning which it was so difficult to imagine a motive for any deviation from truth, — even in regard to so simple and obvious a matter as this, his belief resists the force of Capt Wendell's ex parte statement; and remains unconquered until that statement is corroborated by subsequent statements, made by captains Thaxter, Brewer and Kemble, and lastly by Mr. Wm Bruce. Even then, he adopts as indisputable "matter of fact, so much only" as finds corroboration in those statements! But did he ever enquire who were their sources of information? Possibly, although "very respectable men," they might not be so very hard of belief, and their statements might be nothing more nor less than that very same rejected ex parte statement, at second hand. They would not propagate

what

what they did not look upon as "matter of fact"; but their rules of evidence might not be so excessively strict as those of Mr. Jellison, and they might consequently have adopted as "matter of fact," things which, his scrupulousness would have refused to father upon the same grounds. Did this never cross his mind? Did it never occur to him, that, although "very respectable men," (which I doubt not they are) these captains belonged to a class, some members of which, if not all, might possibly be predisposed to hasty belief in such a case? Did he never enquire whether they had their facts from the very source at which he had refused to drink: from Captain Wendell, or, worse still, from his friends, Mr. Ferdinand Clark, Doctor Bumstead, and Col. Throop; or from some one who rested upon their authority? This is a point, upon which his letter leaves us completely in the dark. I will therefore turn to another.

Construed strictly, the language here used by Mr. Jellison means, that he adopted as facts, such particulars only of captain Wendell's statement as were corroborated by the <u>whole four</u> of the persons named by him.

him: first by the three captains, successively making distinct "statements," (in the plural) "and lastly by Mr Bruce." Another sense, in which, by departing from the strict grammar of the phrase, it may be taken it, that his "matter of fact" was made up of ingredients derived from these four ~~xxxxxxxx~~ sources severally, some from one and some from another; that he had admitted into the compound nothing but what was corroborated by some one of the four. This is the construction which Charity prescribes, and which, to me, Truth dictates: for I do not believe Mr. Jellison capable of a wilful and deliberate falsehood; and this, he would have been guilty of, had he meant to say what the grammatical construction of the words written by him would make him say. Of the three informants first named, I know nothing; and cannot say what Mr. Jellison may or may not have learnt from them, whether separately or conjointly. But I do know positively (so far as such knowledge can rest upon that of a man's character) that he never did derive from Mr. Bruce the materials for the story put into his (Mr J's) mouth by "the reporter,"

nor

nor for any story of the sort. I will go further, and affirm that Mr. Bruce never gave him, nor corroborated, any single particular affording any countenance whatever to any such story; and that, taken as a whole, whatever he did learn from him was directly in the teeth of that story or of anything that could be worked up into any such shape.

Mr. Bruce is, as Mr. Jellison says he is, "a gentleman of great respectability." He is one of the few persons here, with whom I am well acquainted; and I believe him to be a perfectly conscientious man, and of scrupulous truth. He is one of the very few who knew any of the facts of the Wendell case (and these were very few) beyond the fact, so notorious that no american in the place could possibly be ig=norant of it, that he was a bully of the most furious kind, almost incessantly in the high=est state of excitement that liquor can pro=duce. Mr. Bruce, no doubt, allowed his sen=timent in regard to the propriety of my course to be governed, — as indeed I know it was, and as probably was that of every american in the place, — by a vague impression that

I

I had carried the matter too far, — that it ought, somehow or other, to have been smoothed over, or eased off, so as to avoid all this trouble, and scandal, and excitement, and outcry. In view of the mere fact that the course pursued by the Consul resulted in so unprecedented an occurrence as the imprisonment of a "countryman," (of the captain class — the imprisonment of an "american citizen" of the sailor species having, from time immemorial, appeared so much a matter of course, at the mere demand of the captain, that the practice introduced by me, of requiring a sight of the shipping contract, to make sure that the man was bound to the vessel, was, by captains of a certain class, deemed conclusive proof of the Consul's contempt for his countrymen: inasmuch as it amounted to a refusal to "take the word of a gentleman") in view of this mere fact, as its result, my course was deemed wrong. Such was the prevailing sentiment; and a stronger illustration could not be, than that which this mere fact affords, of the state of things which has prevailed here under the american flag, time out of mind:

for

for it would have been impossible for Mr B., or any one else, to ~~have~~ point out wherein it could possibly have been deviated from, without giving to drunken ruffianism in its most outrageous shape, aggravated too by the notorious instigations of characters of notorious infamy, an absolute victory over law and right. (For a fuller view of this point, see particularly my No 62. containing a detailed narrative of the Wendell case, and my No 104, and the testimony therewith transmitted or therein referred to.)

This vague sentiment as to the propriety, or the advisableness rather, of the course which had been pursued by me, considered independently of the merits or demerits of Captain Wendell's case, may have been expressed by Mr Bruce to Mr Jellison. But this gentleman never did learn from Mr B. one single fact, that did not make against captain Wendell, and in favor of the Consul; that did not go to show that the course of the former was, from beginning to end, as outrageous a course as could possibly be pursued by a man altogether beside himself with liquor,

with

with rage at the unheard of audacity in a Consul's presuming to interfere in a matter he had no business with, (such being the prevalent doctrine) and with the ceaseless instigations of worse men than himself; and that the course of the latter was, from beginning to end, marked by the extreme of forbearance. And, with regard to Mr B's opinion, whether in regard to the merits of captain W's case, or to the cause of his imprisonment, not a syllable ever dropped from his lips that was not expressive of the strongest disapprobation and disgust, and of his belief, that, (to repeat it in his own language) "captain W. had gone to jail because he chose to go there; — because he was made to believe that he would do a great thing by going there." Not a man among those acquainted with Mr Bruce, here or in Boston, (where he is well known) can be found, who, upon perusing his testi= =mony (see my No. 104) will experience the slightest hesitation in testifying that he believes it utterly impossible that anything of a contrary import to his opinion, as just stated by me, could ever have been

heard

heard from his lips.

This paragraph of Mr Jellison's letter demands one remark more. Its conclusion is so framed, that it I believed it to be the result of design and skill on his part, instead of believing, as I do, that it is the result of inadvertence and want of skill in marshalling his thoughts and giving expression to them, the faith which I have expressed in his respect for truth would be a hypocritical pretence. The fact, that Mr. Bruce, "who appeared to be very friendly to" me "related some exculpating circumstances, such as insolent language and ungentlemanlike demeanour on the part of said Wendell", is so dovetailed into what precedes it as to convey the idea, that Mr. Bruce, having corroborated capt. Wendell's statement in its material points, added thereto (being actuated by friendship for me) "some exculpating circumstances."

Such is the idea conveyed! I will not stop upon it further than to affirm, first that it is the <u>reverse of the truth</u>: Mr. Bruce never did corroborate captain W's statement in <u>any</u> material point, save

to

to the extent of the one vague truth that his imprisonment was the result of the action taken by me in the case. Beyond this, if he went into any particulars, every one of these was directly in the teeth of captain W.'s story, as related by himself or by any one who represented him as a wronged man. Secondly, that the state in which the mollifying portion of Mr. Bruce's contribution to Mr. Jellison's collection of "matter of fact" is here produced by the latter gentleman affords conclusive proof of the prodigious efficacy of the charitable principle in his nature, upon all facts passing through his mind. Compare the picture of Capt. Wendell's "demeanour", presented in the testimony of Messrs. Spalding and Bruce, (see my No. 104) — testimony which contains nothing in that respect but what was notorious all over the post and the city, — compare that picture with the one here presented by Mr. Jellison: "insolent language and ungentlemanlike demeanour"! and confess to the power of the christian principle in softening the harshness of the

views

views which fallible man is so apt to entertain of the conduct of his brother. And thirdly I will say, that a manifestation, scarcely less striking, of the influence of this divine principle is afforded with regard to myself, in Mr. Jellison's acceptance of "insolent language and ungentlemanlike demeanour" as exculpating circumstances" for such Consular conduct as requesting that an American citizen should be cast into prison and held there six months, for "remonstrating" against an unjust and illegal order. I confess that I am not so good a christian. So rigid and worldly are my notions respecting the rights of an American citizen, and the duties of "those placed in authority," that, had Mr. Jellison held the post of American Consul at Havana, and had he placed himself in the predicament in which he believed me to stand, he would have had less mercy at my hands. For such tyranny, no exculpation, — not the slightest extenuation even, — would have been found by me, in the facts of "insolent language and ungentlemanlike demeanour." Not "ungentlemanlike", but insulting, — deliberately insulting, — wantonly insulting, — "demeanour," has it fallen to my lot, in more than one

instance,

instance, to experience in this office. The only notice of it ever taken by me — and that even, only when persisted in, through manifest design — has consisted in requiring the person to leave my office; and, on the few occasions when com=pliance has been refused, in presenting the al=ternative, which never proved ineffectual, of being taken from it by a peace-officer. In con=fining myself to this, and in allowing the occur=rence to be instantly chased from my mind by worthier subjects of human thought, I have acted, not only as my character as a man impells me to act, but in conformity with my sense of what becomes an "american citizen" holding a post of this nature. This is my standard — the standard by which alone I wish my conduct to be judged, and of any single departure from which I challenge the proof — of right feeling and right conduct, on the part of one "placed in authority," towards those of his fellow citizens who may labor under the misfortune to have had their characters formed under circum=stances so unpropitious as to permit them to take pleasure in offering gratuitous insult to another, solely because his public duty consists in checking their unlawful, unjust and tyran=

=nical

nical propensities; or perhaps for no other reason than the animosity inspired by the conceit, arising solely from their own notions of human character, that the occupant of such a post will naturally deem himself better than others.

From the Wendell case, I pass to that of the crew of the Ship "William Engs." — Mr. Sellison indicates the sources from which were derived "the facts stated" in relation to this case. But not a single one of these "facts" is specified in his letter; nor does what "the reporter makes" him say contain a syllable upon the subject. This passage of his letter is therefore totally void of meaning, unless one be attached to it by considering it as a reference, however unconscious, ~~must therefore be considered to be~~ to the agency he had in framing the Resolutions; where alone, except in what "the reporter makes" other orators say, the subject is ("dispassionately and frankly") discussed. Here then, if any where by me, are Mr Sellison's "facts" to be found.

Referring to my report of the case (N°84. Enclosure N°4.) for a connected view of the (true) "facts" involved in it, and to the various other

enclosures

enclosures in the same communication, for an idea of the ceaseless machinations to which it gave rise, as has every thing else affording the smallest opportunity for display to the patriotic spirit of Mr. Ferdinand Clarke and his confederates, — I will here notice the main points presented on this topic by the Resolutions.

I must premise, that the letter from me to the Captain General, here referred to by Mr. Jellison as having been shown him, he thinks, "by a Dr. Bumstead," was a retranslation into english, (made by one who is far from being sufficiently master of our language, to even seize the precise sense of an english original) from the spanish version of the letter written by me, which letter had been sent by me to the Captain General in his own language, conformably to the practice, which, as I have on several occasions mentioned, has been adopted by me: for the reason, among others, that it affords a security against the utter distortion and change of the meaning of my communications, by an official translator. The one employed by Commander Babbit on this occasion, was the same whom I have long employed to put my english into spanish: in doing which,

even,

even, he has seldom failed to evince his imperfect acquaintance with the english, by creating the necessity for cancelling a part of his work, and particularly explaining to him the sense of the english, before he could be got to make a tolerably exact version of it. ~~His translation of my letter into spanish was a mere paraphrase and was made from my letter translated~~. The job of putting my letter into english had, as he subsequently informed me, been attended with such difficulty and labor, that he had repeatedly been upon the point of coming to me for a copy of the english original, notwithstanding the strict injunction he had received from Commander Babbit, to observe the profoundest secrecy, lest I should have an intimation of the business in which he was engaged: a mystery that, in point of stupidity no less than of decency, was of a piece with all the rest of the doings in which this officer figured as the most conspicuous member, or tool, of the confederacy whereof Mr. Ferdinand Clark is the worthy head; seeing that the exultation awakened by this notable "discovery," in the bosoms of his confederates, if not his own, had proved so irrepressible, that the "ruination"

"rumination" with which it was fraught to the Consul, became immediately the favorite theme of coffee-house and bar-room talk; in connection, with the triumphant "fact," so highly calculated to elevate our national character in the eyes, not only of the ordinary population of the city and port, but of the British and French squadrons, at that period assembled here, — that the Consul of the United States of America had, through the zeal of Commander Babbit, been convicted of "prevarication and falsehood"! For the quantum of truth which constituted the material out of which this glorious, spirit-stirring, "Star-Spangled Banner" result, was created, I refer particularly to the detailed statement of all that occurred between myself and Commander Babbit, and to the Heads of Enquiry, thereto appended (No. 84. Enclosures Nos 7 and 8). It will not escape notice how the picture therein presented of the patriotic activity whereof this place was the theatre, in regard to the dissemination of the nation-elevating discovery of Commander Babbit, is corroborated by the only "matter of fact" contained in this part of Mr. Sellison's letter,

to wit:

court: that these letters were seen by him "in different hands"; the only one recollected by him being that of "a Dr. Bumstead." It remains for the Government and the Nation to see this matter sifted to the bottom; and to pronounce whether such a spectacle merits their favor.

The first point presented in the Resolutions, in regard to the crew of the ship William Engs, is, that I did not send them home for trial. In reply to this, I affirm, that it was not in my power to send them home: first, because, in respect to the authorities of the country, it was not optional with me to do so; and secondly, because, if it had been otherwise in that respect, all the circumstances of the case conspired to render it, to all practical intents, impossible to send them home for trial. Had the men been at my exclusive disposal, the only alternatives which the circumstances presented, would have been, to request the authorities to exercise their jurisdiction in the case, — to allow the offence to go unpunished, — or to keep the men for an indefinite period in prison, to be sent home, not "for trial," but to be there discharged for want of witnesses

against

against them. For the truth of all these posi-
-tions, I refer to the statement already indica-
-ted; as I do for the grounds (which I do not
hesitate to pronounce unanswerable) upon
which my letter to the captain General rested
in all its parts. It will be there seen, that the
course pursued by me was dictated by a re-
-gard for our navigating and commercial in-
-terests here, and by every consideration that be-
-longed to the subject.

One of these only, I will here touch upon.
A violent and dangerous conflict had occurred
on board the ship. This was notorious; as was
also the fact, that, had other crews been able
to get on board, it would have proceeded to
such lengths, that nothing short of the inter-
-position of the soldiery and the effusion of
blood could have quelled it. The captain, too,
was well known to be of a remarkably mild
and quiet nature; who was blamed for being
too easy with his crew.

Captains of this sort were peculiarly
entitled to protection at my hands. Such desper-
-adoes, as the ringleaders particularly in this affair
were represented to be, (and, I have no doubt
whatever, at this moment, were truly repre-
-sented

sented to be) it was peculiarly incumbent upon me, to discountenance. I was the "Sailor's Consul." This distinction, I had earned before I had been two months in the occupancy of this post, at the hands of that class of ship-masters whose greatest object of aversion upon earth is a Consul who "dares to interfere in what does not concern him," by taking part with "sailors." A year or two before, a captain, upon coming to my office for his papers, took occasion to refer to a recent case in which he had had no concern whatever, for the sole purpose of upbraiding me and telling me that "all we require to have our throats cut before we are fairly outside the Morro, is to have here a Consul that will countenance the men"! — From the beginning of my service here, I had toiled, and not ineffectually, to put a stop to desertion: the sole resource of the sailor against brutality or detention against law and right; and for that reason, the only safety-valve against explosions, such as had occurred on board the William Engs. This was my position. Upon me, therefore, above all others, was it incumbent not "to countenance the men," when guilty of outrage upon the captain's

person

person, which would have gone, none could tell how far, but for assistance armed with pistols. If I did not want to prove the father of another "Nore" affair, to end only in musketry and bayonet-work, the men must be taught, that the law had a strong hand here for them no less than for such masters as oppressed them.

The aid of the authorities had been called for by the captain, and the termination of the affray had consisted in the men's being taken into their custody. The case was immediately ta- =ken in hand by them, in the determination to exercise upon it ~~it~~ the jurisdiction which incon- =testably belonged to them. This I knew: both the determination, and their indisputable right, agreeably to the first principles of international law, to form it. I knew further, that at that precise time, they were particularly sensitive on the subject of Consular interference: this sensi- =bility having been excited to the utmost by a recent case, wherein the captain of a French ship, a man of the highest character, a perfect gentleman in his manners, and a member of the Legion of honor, had, by General Jacon, been ordered to prison, with his red ribbon in his button hole, for refusing to give testimony in

regard

regard to a passenger brought here by him, except in the manner which his Consul conceived him entitled to insist upon under precise and specific provisions in the French Consular code. This, as may be seen in greater detail in my statement of the case, is the key to my letter. To have called their right of jurisdiction in question could have served only to excite contempt for my ignorance, if they believed me sincere; or for my disingenuousness and hardihood, if they believed the ignorance to be affected only. Moreover, it was highly important to the interests at stake in the vessel and cargo, (ready almost for sea, very late in the season for a voyage to Russia) that every cause of irritation and delay should be as far as possible avoided; and, further that their active good will should be conciliated. Notwithstanding this, the main object of my letter, as upon its very face is perfectly apparent, was, to intimate to them, in the only manner which could be ventured upon without the certainty of doing mischief rather than good, that matters of the kind had better be left to the Consul. This, and to prevent a ruinous delay of the vessel, constituted indeed, the sole purpose of my

letter

letter: the suggestion that the men should be tried and punished here, being but a suggestion of what I knew would take place, whether I said a word on the subject or not, and what-ever I might say. I was far from sorry that this should take place in the present case; but I was desirous that it should not become a general practice: and the only course whereby the occasion could be used to this end was the course which I adopted. The only alternatives to it were, silence or an absurd and mischie-vous denial of their right of jurisdiction. From the Captain General's reply it will be seen, that, notwithstanding the delicate man-ner in which the intimation constituting the main object of my letter was conveyed, my de-sign was penetrated, and it was deemed re-quisite to meet my intimation directly and pointedly, by an assertion of their right of jurisdiction.

Subsequently to the trial and sentence of the men, I became apprised of their story: the material points of which were, that the mutiny or revolt had taken place in conse-quence of their <u>being detained on board con-trary to the shipping contract</u>; and their

having

having been repeatedly denied an opportunity to make their situation known to the Consul: all communication with him having been carefully cut off. These are the circumstances, to which, in my letter to Commander Babbit, I had reference, when I said, that "judging from my experience in such matters," their story "is, I am sorry to say, but too probable on the face of it." These are the circumstances (together with the captain's having suppressed all mention of them in his deposition — which see) to which I had reference, in emphatically saying, as I did instantly upon becoming aware of the mere story, — as I did in that letter, and as I have taken every occasion to do, times without number, both before and since that letter was written, — that, "if true" (a qualification which, with the sinister-mousness that characterizes these proceedings throughout, has been carefully excluded from the "Resolutions") "the captain ought now to be engaged in cracking stones in their stead." A sentiment, in regard to so sacro-sanct a personage as a "captain," that speaks more than volumes could, the "utter contempt and hatred," which (according to the array of "facts" contained in what "the reporter

makes

makes" Mr. Jellison say) the consul takes pride in professing for "the American shipmasters who trade to Havana." These are the circumstances, with reference to which I have uttered another sentiment, which has called forth exclamations of downright horror, and would doubtless be deemed by many, proof conclusive of insanity in a Consul; but which, nevertheless, shall govern my course, if ever an occasion arise. That sentiment was, that under these circumstances, "if true, the men did right to mutiny." The rationale of which doctrine is simply this: that a man detained on board a vessel in port contrary to contract, has a right to refuse to work; and that if personal violence be offered him, he has a right to repel it. Plain and obvious as this may appear to any American citizen, who has not unconsciously become familiarised with the notions and practices that prevail under his country's flag, a more shocking doctrine could not well be conceived than this would prove to thousands who have become thus hardened.

The Resolution on this topic affirms, that in my letter to Commander Babbit, I expressed a "belief after a subsequent investigation of the

case

case, that it was highly probable the crew were innocent of the charges brought against them." This, whether designed or not, is an utter misrepresentation: no such belief is there expressed; nor is any belief there expressed upon any such ground. I expressed no such belief as that the crew were innocent of the charges brought against them: they were charged with a premeditated and concerted conflict with the captain of the ship. This did happen. It is known to every body,— doubted by none. Nor did I express any belief whatever, founded on a subsequent investigation. The belief which I expressed was placed,— was emphatically placed,— upon its true ground, to wit: "my experience in such matters." It was this, and this alone, that made me see probability,— probability strong to a deplorable degree,— "upon the face" of the men's story, that they were detained on board contrary to the agreement they had entered into, and that they were cut off from all communication with the Consul: from the Consul who,— they knew, or the captain knew, if they did not,— would protect them in their rights and free them from the vessel; even though the inevitable consequence were to be, that, through

the

the impossibility of getting another crew, she would be detained until too late to sail for Russia; or that she would lie here laden with her valuable cargo, till her bottom fell out. Upon the face of these two facts, it was, — nowhere else, — that my experience of the manner in which sailors are treated under the american flag, made me see strong probability: a probability which, I trust, however, to prove instrumental in freeing that flag from the disgrace of, now and forever. 'Tis far from improbable, that before the evil habits under which the characters of one class of american captains have acquired their hardness, can be broken, more than one will have to be made an example of at home, cracking stones, or some other way.

Such, then, is the truth in regard to the belief which was expressed by me, and the grounds which were assigned for that belief. It became to my mind probable, that the concerted revolt and the violence upon the captain's person had arisen from a cause which, agreeably to the principles which ever have governed and ever shall govern, the course of the "Sailor's Consul," constituted a conclusive justification of the crew, and would have proved equally so, had they, in

defence

defence of their persons against the "fifteen thread rattling stuff", found it unavoidable to kill the captain and every man engaged in the attempt to subject them to it. This, however, was but a probability; and the probability rested solely upon the accordance of the two material facts averred by them with my experience of the treatment of sailors under the american flag, — of the utter disregard of law and right which prevails with regard to them: above all, in respect to the very two points here brought to view. I say that it rested solely upon that accordance; because, as to believing a story merely because one or a dozen sailors are ready to swear to it, this is a stretch of credulity which — so brutalized, as a class, are they, by all having frequent intercourse with them, known to have become — no person, familiar with their character, is capable of. Although but a probability, — and although it remained so after the only step which the nature of the subject admitted, and which was immediately taken by me, — it was made by me the ground of a plan of proceeding in their behalf, the first result of which was an offer and promise from the

Captain

Captain General, to go to the extent of his au-
-thority by remitting one third of the term of
imprisonment; and the final result of which
would have been the same that has taken
place, hastened somewhat by the interference
of Commander Babbit. That offer and promise
were made long before this officer's interference
commenced. I had reasons, however, for not
causing it to be at once officially acted upon;
and the same remission was subsequently granted,
in reply to an application from Commander
Babbit; which application was, I have rea-
-son to believe, in the shape of a "demand",
(softened probably by the translator into "request")
that the men should be delivered to him: his
familiarity with the Law of Nations being such
as to enable him to assume unhesitatingly as
a basis of his official conduct, that the subject
was beyond the jurisdiction of the tribunals of
the country. With the exception of the bringing to
light of this axiom of international law (wherewith
it behooves the Governors of New York and the
other maritime states of our Union to keep their
minds duly penetrated, in the event of their being
called to account for any British, French, or other
foreigners, in confinement there, concerning

whom

whom the commander of a sloop of war or gun-brig, visiting one of our ports, may see fit to force them into a correspondence, upon "important points of the Laws of nations") with this exception, the result of the case of the Wm Enos would have been the same, had commander Babbit never appeared here. The difference in other respects would, however, have been great: every american citizen who could feel for his country's flag would have been spared the humiliation attending the spectacle, daily and hourly afforded here for many weeks in succession, under the eyes, too, as fate would have it, of the assembled squadrons of England and France. A spectacle, the like of which, take it all in all, the shore-history of all the navies of christendom would in vain be ransacked for a parallel to; and which so far surpasses anything that the American People could form a conception of, that the most softened picture of the reality would be stamped as a libel, no less outrageously improbable than outrageously indecent, and would so remain but for the irrefragable testimony which, unfortunately, could be summoned from every

point

point of the compass.

To return to the Resolution: it will be seen, that, interwoven with the fact, that the men were not sent home for trial, is the assertion, that this constitutes "a privilege which they had a right to demand." If this be intended, as I suppose it to be, for a reassertion of the principle which figures conspicuously in Commander Babbitt's communications, and in regard to which he deigned even to honor me with instructions, — I can only say, that it bears the same relation to what I have been able to discover by the light of my own poor understanding, in regard to the true law of the matter, that Mr. Ellison's "matter of fact" bears to true facts. Upon the principles of international law, so far as understood by me, not only does jurisdiction over any and every offence committed in the harbor of Havana on board a foreign merchant vessel, rightfully belong to the Spanish authorities; but they are the only authorities by whom it can be exercised. Agreeably to those principles, no court of our country could take cognizance of any act whatever, committed on board an american merchantman in this or any other

foreign

foreign port. No case of the kind would be entertained by any, but for the special authori= =ty to that effect conveyed by an Act of Congress; (March 3. 1825 §5) wherein, upon the face of the enactment conferring the jurisdiction, be= =sides the proof afforded by the very necessity of such an enactment, is stamped the fur= =ther proof of its character as an innovation upon the law of nations, in the shape of the proviso which it was indispensable to add; involving a recognition of the preexisting foreign territorial jurisdiction, and of its continued rightfulness and conclusive= =ness when exercised. —

The only remaining point in the Reso= =lutions upon this topic, which I shall notice, is, the reiteration they contain of the charge, (which, as has already been stated, had been here indus= =triously promulgated for the edification of foreign= =ers from all parts of Christendom) that the American Consul, "prompted by a natural wish to conceal his flagitious conduct from the public eye, has been guilty of tergiversation and deception, to give it no harsher term," (determined, as Mr Jellison and the rest of the Committee were, to discuss the matter "dispassionately and frankly")

"which

"which should indelibly stamp his name with ignominy."

The ground upon which this sentence is passed is, the fact, that, in my reply to Commander Babbit's communication of the 9th December 1838 (See my No. 84. Enclosure No. 7.) I did not enter into any further details of the case than those contained in the following succinct statement:

"In regard to the seamen, the case is different. Those of the Wm. Engs were arrested by the authorities of the place, at a call from their Captain; prosecuted for mutiny, convicted and condemned. As to the fact of the mutiny, or conflict on board the ship, there can be no doubt. With regard to its origin, the story told by them is, I am sorry to say, but too probable on the face of it; judging from my experience of such matters.— If true, the Captain ought to be now engaged in cracking stones in their stead. Upon becoming aware of their account of the affair, which was not until after their condemnation, my belief in its probability led me to take steps in their behalf which will, I hope, be attended before long with a favorable result."

This statement, the Resolutions say,

"left

"left it to be inferred," that I had had no agency in the prosecution of the men. From the inference thus assumed to be deducible therefrom, they pro= =ceed to the second inference, that my statement was designedly thus framed, for the purpose of producing this erroneous impression upon Com= =mander Babbit's mind; and this purpose is assumed to be identical with that of concealing my agency from "the public eye."

The shortest way of demolishing this lo= =gical fabric is, by referring to the statement of the case, presenting the true facts; and these, in the true order of their occurrence. There it will be seen that it involves nothing to conceal from "the public eye"; and that, consequently, (inde= =pendently of all security against imputations of the sort, afforded by such character as I may en= =joy among those who know me) the desire of such concealment cannot possibly have been my motive for doing any thing which I did in re= =gard to it. The truth is, that I had previously announced to the government — through the De= =partment to which the Consular office is attached, and by, or through, which alone Consuls can right= =fully be called upon for an account of any of their doings — my intention to present a series of cases,

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illustrative of the state of things under our mer-
-chant-flag; and of this series, the case of the Wm.
Engs constituted one of the very strongest: inas-
-much as the story told by the men, whether true
or false, served to bring strikingly into view two of
the most grievous of the many shapes in which
wrong is daily practised upon them.

But there is another way of demolishing
this fabric; and that is, by pointing to the rela-
-tion in which I stood towards the officer to whom
my letter is addressed. Whatever may be the
plausibility belonging to this train of inferences,
whilst the subject is viewed apart from that
relation, it vanishes the instant that it is brought
into view. It then becomes manifest that the abstract
character of the occasion on which I wrote, viewed
in itself, apart from every circumstance which
may have imparted to it a peculiar ^ from at this
precise juncture, is such as not only not to war-
-rant the supposition that my letter professed to
give a complete account of the case, but positively
to preclude it: seeing that I might, with the
strictest propriety, have replied to Commander
B's communication by simply acknowledging
its receipt, and informing him that the cases
which it brought to my view constituted the

subjects

subjects of intended communications from me to the government. The train of inferences under consideration rests altogether upon no less a fal- lacy than the identity, in regard to my course on this occasion, of Commander Babbit with the Secretary of State, the head of that Depart- ment of the government to which the Consular office is attached, — to which Consuls owe, and to which alone they owe, an account of their acts, whether of commission or omission, and of cases wherein that action is anywise involv- ved. He is the proper organ for laying the conduct of a consul before "the public eye". Or, if not the only officer of the government by whom this duty can, with either propriety or decency, be undertaken, he is at least the only one clothed with authority to call upon a consul to render an account of his doings, whether for that purpose or any other. He, therefore, is the only one, in answer to a call from whom, a consul's omission to enter into a detailed state- ment of any case in which his sense of <u>his</u> duty may have led him to act, can warrant the inference that his motive for such omission was fear of "the public eye". Had the answer given by me to Commander Babbit been addressed

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in reply to the same communication from the Secretary of State, or any officer invested with authority to require of me a full account of the cases in question, then would this chain of inferences be unanswerable. But the relation in which I stood to commander Babbit was the very reverse of this. He was as totally destitute of any shadow of such authority as I was, to make a similar requisition of him in regard to any cases in which his official action might have been involved. Let it be supposed for instance, that half the crew of the Boston had addressed to me a memorial, setting forth that they were american freemen whose rightful liberty was violated by their being made to serve long after the expiration of the term of service for which they had engaged, and invoking my interference; or that I had received a "round robin" signed by the whole crew, falsely charging, that through constant inebriety, their commander was beside himself, daily disgracing the uniform of his country by exhibiting it in the coffee-houses and streets on the back of a man requiring a supporter on either side to save it from material pollution in the gutter,— that the supporters placed thus flagrantly in juxtaposition with the "Old

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Iron-sides" anchor-button, were, like the rest of his shore associates, the most disreputable char-=acters to be found among the american residents of the place, — that on board he was a mad man, in port entertaining the same sort of company, at sea causing the men to be flogged without rhyme or reason; and upon these false grounds imploring Consular interposition, to rescue the flag from disgrace in the eyes of the navies of three nations riding in the same harbor, their persons from the ill-usage, and their lives from the imminent peril constantly impending upon all on board of a vessel thus commanded; — or suppose, that some one or some dozen ship-masters, aggrieved by the mode in which their vessels had been searched by the Boston, or by her omission to render them protection or assistance, or instigated solely by malice and revenge, had seen fit to address to me statements charging him with the most outrageous misconduct in every shape in which an officer can be guilty of it. Suppose any one of these occurrences; and suppose also, that, instead of sending these documents to Washington for such consideration as they might there be deemed worthy of, I had deemed it my duty to communicate copies of them to

Commander

Commander B., with the request contained in that officer's letter to me: "I will thank you to give me any information respecting the correct= =ness of their several statements."

The propriety or decency of any such course on my part, however actuated he might believe me to be by my sense of the general duty of the Consular office, to give protection in every possible way to commerce, and sailors and american citi= =zens of every class, might perhaps have seemed to him not altogether beyond question. Suppose, however, that overlooking this objection, he had replied to my communication by complying with the only request therein contained, in the same way precisely that I complied with his request: that is, by giving "information <u>res=</u> =<u>pecting</u> the <u>correctness</u> of their several state= =ments." Would he, by such a course, have justly deemed himself to be filling the measure of duty, not of forbearance merely, but of positive <u>courtesy</u>? Would he have had any reason to imagine, that he was affording grounds for a display of my zeal in behalf of the national honor, in the shape of Coffee-house and Bar-room pro= =clamation, that, "prompted by a natural wish to conceal his flagitious conduct from the public

eye,

eye, he had been guilty of tergiversation and deception, to give it no harsher term, which should indelibly stamp his name with ignominy"?

As this chain of inferences, wretched a thing as it is, is, — of all the grounds of the righteous and merciful sentence passed upon my character, — the only thing, the one only thing, which, instead of being in its origin a wilful and deliberate fabrication, carries upon its face an air of sufficient plausibility to render possible the supposition that it may have originated in honest weakness of the understanding, rather than in conscious intention to give currency to untruth, I must be allowed to dwell upon it somewhat further.

It will be borne in mind, that, here, I confine myself to the merits of my reply to Commander Babbit's communication, considered with reference solely to the mere relation subsisting between a Consul and a Commander in the Navy: apart from all circumstances which, upon this precise occasion, may have imparted to that relation, — and furthermore to my position, apart from that relation, — a character all their own.

own. His request was, to be informed of the correctness, or truth, of the statements. How was this responded to?

Four cases were brought to my notice. In regard to two of these, his request is complied with by the assurance, 'that nothing that they can utter is deserving of the least credence." (Whether this assurance, in regard to Captain Love Straw and Captain A Wendell Junr. was founded in truth, let the testimony which I have transmitted, and the result prove. The case of the former was paraded in the first doings at New York, — See the Herald, June 15. 1839 — as one of 'the four specific charges" upon which the prosecution had been made to settle down. His name was, however, quickly dropped. In regard to the point here involved — veracity — I have no reason for believing it half as bad a name as the other.)

One of these two individuals referred to three persons who could corroborate his statement. (For the proof that it was the quintessence of falsehood, see all the documents in the case, and particularly my No. 104.) In regard to his case, therefore, my compliance with Commander B.'s request would have been incomplete

=complete had I not noticed this reference. I did so by informing him of the established <u>re=</u>=<u>putation</u> of the first of the three; of the intimacy of the second with the first, and of his own character; and of the intimacy and congeniality, according to all appearances, of the third with the other two. My words are as follows: "At the head of the list of persons referred to by captain Wendell, is the name of a merchant, the most dirty, sneaking knave known to me by reputa=tion in all Havana; the second, Dr. Bumstead is a bosom friend of the first, and a character of the deepest infamy; and the third is, ac=cording to all appearances, a congenial spirit with the other two." (Whether this information was, in all its parts, an unexaggerated state=ment of, to borrow Mr. Jellison's phrase, "<u>mat=ter of fact</u>," let the testimony transmitted by me decide.)

Before quitting this particular point, I must advert to a misrepresentation connected with it, which has been made to figure very largely, and not without effect, in the public eye.

The occasion on which the foregoing language was elicited from me in regard to

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the three individuals in question is seen to have been an occasion on which it was strictly proper and necessary that I should speak of their characters according to the best of my knowledge and belief. It was in an official reply to an official communication from one officer of the government to another. The writer of the reply was a resident in Havana; the other was a stranger, utterly ignorant of the character of any individual in the place. He had, by the miserable writer of a mass of falsehood, notoriously the tool of two of the three in the very business upon which he wrote, been referred to three men as witnesses who could confirm the truth of his statement. They were known here to be men capable of any baseness. It was therefore necessary that he should be cautioned in regard to their worth as witnesses. To do this was manifestly the duty of one officer of the government to another. It would have been the duty of any Consul so to act, had there been nothing peculiar in the condition of the navy officer placed in such a relation to-wards him. The obligation was, in this in-stance, rendered the more peremptory by the

pitiable

pitiable condition to which commander B. had been brought by his habits: fitting him most eminently, for being made (as he was made) a tool of by the very same men who had made a tool of captain Wendell; and thereby becoming an instrument of disgrace, deeper even than was already reflected by him, upon his uniform and his country.

This is the true "matter of fact" upon this point. In what shape has it been presented to the public eye? Why, first, directly after the arrival of the Sloop of war Boston at New York, the country is deluged through the columns of the "Times" and the "Herald," with statements (the origin of which is stamped upon their face) of the occurrences at Havana wherein Commander Babbit had been made to figure; in the course of which the American People are informed, that "These outrages on the part of Mr Trist grew to such a height towards the commencement of 1839, that, on the arrival of the Sloop of war Boston off Havana, <u>the American residents, merchants and captains</u> of vessels there, drew up a strong memorial to Capt. Babbit, requesting his interference on behalf of his oppressed

countrymen.

countrymen." This memorial is represented as having become the subject of a correspondence "between Capt. Babbit and the Consul;" (a pure fiction: for no such correspondence ever took place, — not a word, by letter or orally, directly or indirectly, ever passed between them on the subject.) and the expression, "the most dirty and sneaking knave known to me by repu=tation," which had been used by me on an occasion when it was not only proper for the Consul to use it, but his manifest duty so to do, is represented as having been used, with reference to this memorial, against "the respectable merchant who headed the memorial." In the same place, the lan=guage which had been used by me, on the same occasion, and under the same necessity, with regard to the trustworthiness of two particu=lar individuals, captains Wendell and Love Straw, is represented as having been used, with reference to this memorial, against "the American Captains" as a class!

Another edition — whether the hundredth or the second only, I cannot tell — of this "matter of fact" is to be found in the New York Resolutions of the 8th and 14th of August;

wherein

wherein I am represented as "denouncing" my "accusers," in mass, "meaning thereby nearly all Americans in Havana, as a 'set of the vilest and most notorious wretches,' as 'dirty, sneaking knaves,' and 'characters of the deepest infamy.'" — The only variation contained in this edition consists in the use therein made of the pretext afforded by the publication (without my consent, and in direct opposition to the course which it is one of my fixed principles to maintain in regard to all libels concerning my official character, to the propagation of which the press can lend itself,*) of some extracts from a private letter, addressed to a friend in Louisiana, long before the New York

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* To maintain this course was peculiarly incumbent upon me on an occasion like the present, when it was manifest, that the country was to be deluged with an ocean of falsehood, sufficient to afford employment to a hundred Neptunes. A notice by me of any one of these fabrications, from their very nature limitless in number, could not fail to afford plausible grounds for inferring that the others were unanswerable. Silence, — the most absolute silence, — therefore, was my only course. This has been broken, against my will, through the impatience of my friends; who having no conception of the nature of the confederacy with whom I had to deal, nor of the strength of my position, were not at all aware of the course on my part which was required by the one, nor of the absolute certainty afforded by the other in regard to the ultimate result: the decision of the Government and the verdict of the country. Their friendly indiscretion, in breaking the silence which every thing conspired to render imperative upon me, has been attended with the effect of subjecting me to real disadvantage with candid minds. The publication of what was intended for the eye of private friendship alone, hastily written for the sole purpose of dispelling any apprehension that might be awakened in

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York batteries had opened upon me. Of the three expressions here paraded, as taken from that letter, but one is contained in it! The other two are to be found nowhere but in my first communication (an official communication,) to Commander Babbit. The one expression con= =tained in my private letter, which is here, with the other two, affirmed to have been directed against all who might have, wittingly or un= =wittingly, lent their names to the fabrications against me, was, in truth, just as special in its application as its two companions. It expressly had reference to those particular individuals, by whom commander Babbit had been made a tool of, as captain Wendell had been before him. These

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in it's mind, and of conveying to it the assurance of the triumph that awaited me, — the publication of such matter has, very naturally, been mistaken by the Public for an attempt on my part, at vindication. It has necessarily proved, as it ought to have proved, altogether unsatisfactory; and thus has my cause been seriously prejudiced. It's first effect was, to put it in the power of the New York "Herald" — the very last paper in our country that I would bestow any notice upon — to exult in having proved the instrument for breaking my "dogged silence." When in truth, the letter affording the pretext for placing me before the public eye in an attitude so humiliating and so calculated to injure my cause, had been written many weeks before "Consul Tuist" had ever appeared in the "Herald." Fortunately, however, that cause is of such strength, that no odds which can be accumulated against it, whether through the misapplied ardour of friends or the reckless mendacity of foes, can prove of the slightest avail.

are the men who, I informed my friend, were "a set of the vilest, — most notoriously infamous, — wretches in Havana."

Thus much of the truth of this New York Resolution, as a faithful record of what I had done. The truth of what I here asserted is another point. If any curiosity is felt in regard to it, this will find ample in- =dulgence in the perusal of the documentary history of the cases which afforded grounds for the machinations of these men. With the proof of their doings before him, the reader may pronounce whether viler wretches than they can be found in any community known to him. And then, proceeding to the second fact asserted by me in the foregoing eleven words, he may judge whether, in any commu- =nity known to him, they could fail to be "no- =toriously infamous." And, passing from the proof of their doings to the proof of the doings of commander Babbit, and of any special assis- =tant of his, whom the investigation of the case may eviscerate the agency of, the reader may decide, first whether commander Babbit and his aid or aids were made tools of on this oc- =casion; and secondly whether he and they

have

have proved themselves worthy, in every possible respect, of being the tools of such men.

The merits of my reply to Commander B.'s communication have been here considered with reference solely to the mere relation subsisting between a Consul and a naval Commander: apart from all circumstances which, upon this precise occasion, may have imparted to that relation, — and furthermore to my position, apart from that relation, — a character all their own. Should this view of the subject leave a shadow of doubt in regard to the perfect and absolute propriety of that reply, it may perhaps be dispelled by taking into consideration the peculiarities imparted to the case by the character of commander Babbit; — by the character of the confederacy who were seeking to make a tool of him, as they had of every like subject, in the reckless prosecution of their manifest design, if they could not break me down in any other way, to accomplish this by the mere accumulation of trouble and work resulting from their endless machinations; — and finally, by my position at that juncture, in respect to command of time. All these subjects are to interwoven

-terwoven, that it is impossible they should be considered except in the connection given to them by the order in which the facts occurred and grew out of each other. In no other way than by an attentive perusal of the history of all these cases and the documents relating to them, can any conception of the reality be formed. Even then it will be of the faintest. To afford a tolerable idea of the chaos of drunkenness and falsehood that has raged here, would be a twelvemonth's labor for the pen of Dickens aided by the pencil of Cruikshanks. A reference to the documents and the testimony, inadequate as they must prove, is all that I can give.

I must not take leave of this case of the William Engs without bestowing a word of notice upon a new tool of Mr. Ferdinand Clarke (new, at least, in the sense, that to all here he was unsuspected in that precise capacity) who has [redacted] himself since his departure hence, in the person of Richard Robert Madden Esquire. Shortly after that event, the fellowship of this personage with the other became disclosed by the publication, first in a New Orleans paper, of a

long

long letter, written (reluctantly) by Dr. Madden at the request of Mr. Clark, for the purpose of making known to the world the barbarous neglect and sufferings experienced by the crew of the Wm. Engs, until rescued from impending death by the philanthropic vigilance of Dr. Madden: of whose noble, cosmopolitan spirit a most af= =fecting picture is (reluctantly) so interwoven with the less spiritualised "matter of fact" constituting the groundwork of the poem, as to render it somewhat doubtful whether the im= =portant truth which it was the writer's sole object to bear testimony to will not, by most readers, be lost sight of, and the great moral which the production might otherwise have for= =cibly inculcated, pass unheeded, through the merging of the abhorrence due to Consular wick= =edness in the glow of admiration kindled by the sight of virtue, so meek, so christian, doing good by stealth, and unconsciously exposing itself to the hateful glare of day.

The "matter of fact" which has (reluct= =antly) been subjected to so grievous a disadvan= =tage in Dr. Madden's letter, is of a nature to render testimony in regard to its truth of difficult attainment: particularly in the case

where

where no notice is given and no suspicion
exists of the necessity of securing such testimony
until the period has been allowed long to elapse,
at which the most positive proof of which the
subject is susceptible might have been obtained.
The only testimony within my reach at the time
when this Madden mine was sprung upon me
has been secured, and will form an appendix
to the documents of the Wm Engs case. It will
be found stronger, as well more directly to the
point, than could, after such a lapse of time,
have been anticipated: notwithstanding the
cheering, ever-living law, that Truth alone can
be consistent with itself; and that the remotest
accidents will often come up, to make man
sensible of this ordinance from above.

The relation in which Dr Madden has,
on another subject also, placed himself to Truth
imposes upon me the duty of making him
somewhat better known in our country than
there can be any reason for believing him to be,
in regard particularly to the property of <u>trust-
worthiness</u>. The performance of this duty
must however, for the present, be postponed.
Meanwhile, I may be allowed to refer to a
source of information which is accessible to

many

many of my countrymen: I mean the London Quarterly Review, No. 99, for October 1833. There, will be found a beautiful illustration of the moral no less than of the intellectual nature of the man: conclusive proofs of the charming ingenuousness, which, growing with his growth and strengthening with his strength, could not fail to become, as it has become, hardened into the stern love of truth that now shines in him; — and proofs no less strong of an estimate of the public intelligence, so high that, even had he been inherently destitute of all regard for Truth, worldly prudence alone would have sufficed to make of him a very Pharisee in the observance of her rites. There, will be seen the picture of a job-work Book-maker, with mind and heart so confirmed in the habit of plain-dealing, that he could conceive the idea of getting up, as a fancy article for "the trade," a work on a philosophical subject, to be veneered over with classical learning, and inlaid with gems from the writers of Greece and Rome, though he did not so much as know which wrote in Greek and which in Latin: and inspired with such habitual respect for the discernment of that Public whose money he coveted, that, having con-

=ceived the idea, he carried it into execution; quoting Plutarch and Sophocles as Latin au= =thors, Tacitus as a poet, and Horace as a prose writer; and, — by his very mode of copying the quotations (in Latin.) from Sophocles, Plato, Xenophon, Hip= =pocrates and a long array of Latin writers, stolen by him without acknowledgment from "old Burton, who being generally so obliging as to give translations of what he quotes," enabled him, without cost in time nor money, to make this magnificent and profit-bringing display of familiarity with the antient classics, — affording conclusive proof that he was ignorant of even the latin declensions!

With this picture before him, the reader will be at little loss to determine what reliance is to be placed upon other handiwork of the same job-man, actuated by the same pelf-craving, or as the Review calls it "catch penny," spirit, and the same effrontery; with personal hate and revenge to give them a glow which, even in his bosom, they perhaps never felt before; and having for the theme upon which to exercise the faculties of his noble nature, a subject in regard to which <u>sin=</u> =<u>posture</u> may be carried to any length,

with

with the advantage of an almost certain exemp=
=tion from exposure. "Our readers," says the
London Quarterly, "will recollect that, on our ex=
=amination of Mr. Madden's 'Travels in Turkey',
we saw reason to suspect that he was superfi=
=cial, inaccurate and presumptuous — that on
his assertions a very qualified reliance should
be placed; and on his inferences, none. This
work justifies all those opinions." If a "trade"
volume of 'Travels in Turkey,' (where no wave
offered, to waft the skilful swimmer into port of
honor and profit) afforded a field for the display
of such qualities, what developement may they
not be supposed to have attained on a theatre
like Havana? their diligent exercise upon
which cannot fail to be rewarded with deathless
popularity among the most zealous and money-
lavish enthusiasts of the day; and can scarcely
fail to be repaid with a yet more substantial
blessing, in the shape of some eight-thousand
dollar a year sinecure, that shall supersede all
necessity for further book-making, except as a
resource for killing time, and a means of
reproducing the happiness experienced in his
days of "catch-penny" toil, while laboring in the
manufacture of "the gossiping and mendacious

style

style in which he collects and applies what he calls his facts."

Long as this communication already is, it was my intention not to bring it to a close until I had noticed the only two remaining points presented by what "the reporter makes" Mr. Sellison say. They are both of decided interest and importance towards the illustration of my position, and of the effects produced, upon the optics of such spectators even as Mr. Sellison, (whom I verily believe innocent of all intentional wrong in the case) by the atmosphere of falsehood which has been here constantly kept up around me for years past. They are the better suited to this purpose from the circumstance, that, unlike much of the "matter of fact" which has obtained currency with respect to my acts and my sayings, they are not purely fictitious,— not mere creations of mendacity out of nothing. They possess a positive character, in being <u>the direct reverse of the truth</u>; and this is something. It gives them at least, tangibility; and, whatever may be the proper estimate upon such "matter of fact," in a <u>moral</u> point of

view,

view the mere virtue of tangibility is one that under the logical aspect of the subject cannot but be highly appreciated by any one upon whom has been imposed a task of the nature of that wherein I am engaged. It both facilitates this labor and renders it subservient to a useful end: that of making known the truth, in the positive specific shape of facts exactly as they have occurred.

The advantage presented by the definite character of the two misre-presentations referred to is, however, one that I find myself under the ne-cessity of foregoing for the present. The newspaper containing them, (which has been taken particular care of by me) has unaccountably disap-peared from my writing-table since I last referred to it; and all search for it has proved vain. I have scarce-ly a hope of its being found; and my only reliance for being enabled to com-plete my reply to the allegations con-tained in the Boston Proceedings (which, the latest in time, are also by

far

far the best concocted and the most plausible that have appeared) now is, that another copy of the newspaper may be obtained. —

I am, Sir, very respectfully
Your Obed.t Serv.t

N. P. Trist.

List of Enclosures.

No. 1. Extracts from the "Boston Mercantile Journal" of Sep. 6. 1839.

No. 2. Letter from N. P. Trist to T. Sellison Esq of Boston. Sep. 30. 1839.

No. 3. Reply of Mr. Sellison. Oct. 31. 1839.

No. 4. Letter from N. P. Trist to George Knight, John Morland, and Edward Spalding, american merchants residing at Havana, whose names are the best known at Havana, in their own country and throughout the commercial world. (The object of said letter being

being to obtain testimony that would af-
=ford to the Government and People of the
United States some faint idea of the in=
=conceivable audacity and recklessness of
the game of imposture that has been
here ventured upon towards them, and in
which Commander Babbit has been made
to figure as the most conspicuous tool.)
July 1. 1839.

№ 5. Reply of Mr. Morland. July 1. 1839.

№ 6. Reply of Mr. Knight. July 3. 1839.

№ 7. Reply of Mr. Spalding July 4. 1839.

№ 8. Statement showing the number of
vessels (with scarcely an exception, all
American) that, during the last fifteen years,
have come consigned to the house, now under
the firm of "George Knight & Co." and whereof
Mr. Knight (the writer of №6.) has been,
during that whole period, as he is now, the
active head: daily brought into contact with
American ship-masters and citizens of all
classes; and daily visiting the wharf, at
the hour when it is customary for mer=
=chants and ship-masters of all nations
to collect there. The magnitude of his com=

=mercial

-mercial establishment, the number of persons employed therein and connected therewith, and the probability that nothing can occur in the city or port without becoming there known and talked about, cannot but be proportionate to the amount of business there transacted. And this is the establishment, the head of which never so much as heard of the "complimentary dinner" to commander Babbit, given by "the (american) merchants and ship-masters," and who, in regard to the "address from the American citizens resident there and masters of vessels in port at the time," did not know a single american merchant or citizen who had signed it, excepting the one, who, for the purpose of expressing his regret at having done so, mentioned to him that he had put his name to it, "under a false impression of its object," consequent upon a reliance incautiously placed by him in the representation of Captain Wendell concerning the import and purpose of the document which he requested him to sign!

N.P.T.

Havana Consulate No. 106. Enclosure No. 1.

Extracts from the Boston "Mercantile Journal" of Sep. 6. 1839.

(Leading Editorial.)

"Mr. Consul Trist In another column will be found the official account of the proceedings at the meetings lately held in this city, for investigating some circumstances connected with the official conduct of N. P. Trist, American Consul at Havana. We would particularly direct the attention of our readers to the extracts of letters of Mr. Trist to Captain Babbit, and to the Capt.n General of Cuba — relating to the seamen of the ship Wm. Engs — and in one of which he villifies the character of some most worthy and respectable American gentlemen. His conduct in relation to Capt.n Hooper, too, as appears by Capt.n Hooper's straightforward and manly statement, was cruel and oppressive, as well as pitiful and mean, and places the character of this man, who exercises the important office of Consul of the United States at Havana, in a most contemptible point of view. — We hope that all the newspapers in this country, without

distinction

distinction of party, which advocate the principles of justice, and profess a regard to the interests and honor of the country, will note the character and chronicle the conduct of this miscreant — and swell the cry which is already heard along our coast, for his removal from the responsible office which he so unworthily fills."

"Meeting of Ship-masters and others.

"Pursuant to notice, a meeting of Ship-masters, and other gentlemen engaged in Navigation, was held at the Old Supreme Court Room on the evening of the 29th of August. The meeting was called to order by Captn. Francis Dewson — and organised by the choice of Captain Joseph W. Lewis for Chairman, and Captain Samuel Peirce for Secretary.

"Captain Dewson then in some brief and pertinent remarks explained the object of the meeting, viz: to examine into, and take some order upon the conduct of Nicholas P. Trist, the American Consul at Havana. He read a circular from a committee in New York, calling attention to this subject — and some other documents, going to show the arbitrary and ungentlemanly conduct of that individual, while acting in his responsible station — and also the proceedings of the meetings which had been held at New York for this purpose."

"The

"The meeting was next addressed by D. Sellison Esqr of this city — who had recently passed several months in Havana. He thought the resolutions referred to, so far from being exaggerated, had not told all the truth. He had witnessed the conduct of Mr Trist in many instances, and he felt constrained to say, that it was insolent, supercilious, and tyrannical — and deserving of severe rebuke. Instead of attempting to elevate the character of his countrymen, by treating them with courtesy and respect, he embraced every opportunity to misrepresent their conduct, and vilify their character — and had, on more than one occasion, pronounced the American Ship-masters who traded to Havana as a set of drunkards and blackguards. Instead of ren-dering them advice and assistance when in difficulty, he seemed to take delight in placing additional obstacles in their way — and professed to hold them in utter contempt and hatred. He had boasted that the Executive of the United States did not dare to remove him from office — and therefore it was indifferent to him whether his conduct gave satisfaction or dissatisfaction.

"Mr Sellison adverted to the case of Captain Abraham Wendell of Salem — who had had some difficulty with his mate, who demanded his discharge which Captain Wendell refused to grant. The mate

then

then then complained to the American Consul, who most unjustly ordered Captain Wendell to give him his discharge, and three months extra wages. There being no such obligation imposed upon Captain Wendall by the laws of the United States, he very naturally remonstrated against such a decision — and high words ensued between the parties. Mr Trist complained to the Captain General — and Captain Wendall was put in prison. All applications on the part of Captain Wendall to be released pon confine-ment, or sent to the United States to be tried by the laws of his country, were disregarded by the Consul. When Captain Babbit arrived in Havana in the sloop of War Boston, Captain Wendall applied to him for assistance — and when Captain Babbit enquired of the Consul the grounds of Captain Wendall's imprisonment, he knew nothing about it, but referred him to the authorities of Havana! But upon enquiry of the Captain General, he learned that Captain Wendall was imprisoned at the request of the American Consul.

"Mr Sellion made some further re-marks relating to his department towards Captain Babbit — and mentioned some other causes of grop misconduct of which he had

been

been guilty.

"The meeting was again addressed by Captain Foque, who corroborated the state-ments made by Mr Sellison — and related some other facts having a bearing on the case." —

Adjourned Meeting.

On Thursday evening, the 5th of September, the meeting was called to order by the Chairman, and the proceedings of the last meeting were read by the Secretary.

Captain Sleeper then stated that the Committee appointed at the former meeting, had attended to their duties, and had prepared a series of resolutions for the consideration of the meeting which were as follows:

1. Resolved, That the office of United States Consul at Ha-vana, owing to the great number of American vessels that visit that port, the vast amount of American property which is at all times deposited in that city, the frequent ap-plications for advice and assistance from the Government agent, on the part of American citizens, as well as for reasons of a political character, too obvious to require enu-meration, is a situation of great responsibility, and of immense importance to the welfare of individuals, and the commercial interests of the United States — as well as to the honor of the country.

2. Resolved, That the incumbent of this office should be a man of intelligence and worth — not only familiar with his

his official duties, but honorable in his conduct, and urbane in his deportment — anxious at all times and under all circumstances, to advance the honor of his government, and to promote the interests of American citizens — and by the faithful discharge of his duties, to elicit the respect of foreigners, and the confidence of his own countrymen.

3. Resolved, That evidence of the most conclusive character has been adduced, showing that Nicholas. P. Trist, the present United States Consul at Havana, is lamentably deficient in qualifications for that important situation — and has used the power with which he is clothed by the Executive of the United States, not for the protection of his countrymen, but as a means of committing acts of oppression, insult, and injustice — and that so far from eliciting by his official acts the confidence and respect of his countrymen in Havana, his ungentlemanly conduct has caused him to be almost universally despised.

4. Resolved, That it having appeared by extracts from official documents laid before the British Parliament by Lord Palmerston, that Nicholas. P. Trist has, in repeated instances, furnished papers to slavers, for the purpose of aiding and abetting them in carrying on the unholy traffic in human flesh — he has not only abused the power with which he is entrusted by the American government, but has sanctioned in his official capacity,

practices

practices, which any American of true honor and philanthropic feelings, would shrink from in disgust.

5. Resolved, That in his arbitrary and tyrannical treatment of Captain Wendell, and other respectable and worthy ship-masters, he has shown that he is not only insolent in his department, overbearing in his disposition, and unfaithful in the discharge of his duty, but that he is a stranger to the generous and noble feelings which are wont to glow in the bosom of an American citizen.

6. Whereas, It appears by a letter of N. P. Trist to the Captain General of Cuba, that in the case of the crew of the ship Wm. Engs, instead of sending them home for trial, a privilege which they had a right to demand, he excited and urged the Spanish Authorities to punish them with imprisonment and hard labor "for premeditated mutiny, bearing the most audacious and violent character," to use his own language, without listening to their defence, or providing them with counsel on their trial — and afterwards, in a letter to Captain Babbit, declared that this was done by the Spanish authorities, at a call from the Captain of the Wm Engs, leaving it to be inferred that he (Consul Trist) should not be held responsible for the act — and intimating his belief after a subsequent investigation of the case, that it was highly probable the crew were innocent of the charges brought against them, and that "the Captain ought to be now engaged in cracking stones in their stead."

Therefore —

Therefore, Resolved, That Nicholas. P. Trist has been guilty not only of the grossest injustice to those American citizens who were thus abandoned to a hapless fate in a strange country, with whose laws and even language they were unacquainted — but prompted by a natural wish to conceal his flagitious conduct from the public eye has been guilty of tergiversation and deception, to give it no harsher term, which should indelibly stamp his name with ignominy.

7. Resolved, That the continuance of such a man in the office of United States Consul at Havana is not only a great disadvantage and injury to individuals of every condition, whose business or pleasure may call them to that city — but it is in a remarkable degree detrimental to the interests of the mercantile community — and a stigma on the fair fame of the American nation.

8. Resolved, That we cannot entertain a doubt of the willingness of the President of the United States to dismiss this man from office, after the proofs of his unworthiness have been fully exhibited — and it has been shown that he neither deserves nor enjoys the confidence of American citizens.

9. Resolved, That a committee be appointed to prepare a memorial respectfully urging the necessity of and praying for the removal of Nicholas. P. Trist from the

office

office which he now holds, and to transmit the same to the President of the United States.

10. Resolved, That the conduct of Commander ~~Babbit~~ Edward B. Babbit, late of the Sloop-of-war Boston, in rescuing American citizens from Consular oppression and Spanish injustice in Havana, was noble and manly — such as becomes a high-minded naval officer, anxious to promote the interests of his fellow citizens, and the honor of his country — and entitles him to the gratitude of every American citizen.

11. Resolved, That the thanks of this meeting be given to those Ship-masters and merchants in New York, who first entered on an investigation of this subject — and who have spared no pains to unmask the misconduct of an unworthy representative of our government, and exhibit his character in its true colors. —"

Havana Consulate N°. 106. Enclosure N°. 2.

Consulate of the United States of America
Havana, September 30th 1839.

To,
Z. Jellison Esqr. Boston.

Sir,

A friend in this city (Mr. Tolmé) who has called my attention to, and procured me a perusal of, an editorial account (the only one that has as yet reached here) contained in the New York "Morning Dispatch" of the 9th inst, of "the meetings of ship-masters and merchants in Boston to take into consideration the conduct of Consul Trist," has given me such a character of you, and stated such facts in illustration of it, and that character (although not needing it) has been so corroborated by another friend, (Mr. Knight) that I am induced to avail myself of the advantage afforded by the circumstance of an active part having been taken in those meetings by a man of your known worth and opportunities.

Of all the names that have appeared in our newspapers, enlisted in this crusade (the praiseworthy impulses to which, although misdirected, will not be lost: for they are on the contrary conducing to general results of no small value,) yours is the only one which, so far

as

as I have any means of knowing, possesses the re-
-quisites for the use to which I propose to put it, in
requesting to be furnished, (as the best possible means
of illustrating the disadvantages of my position in
regard to the extent to which it exposes my character
and my acts to misconception and misrepresentation,
even by men of probity and temper, apparently free
from bias, and enjoying the advantage of close obser-
-vation,) with a statement under your own hand,
of what you did ~~Did~~ Say on the occasions referred to.

In the newspaper editorial you are represented
as having made statements founded upon personal
observation of my deportment. This, I deem highly
improbable; as I have in vain tasked my recollection
for your name or your person as described to me.

Be this as it may, I will ask the favor of
you, besides furnishing me with a statement of all
remarks made by you at the meetings, exactly as
they were made, to specify as far as possible, in res-
-pect to each fact regarding me, whereof you may
posess a knowledge or entertain a belief, every cir-
-cumstance of time, place and witnesses: distinguish-
-ing particularly matters which you know from
matters of hearsay; and, in regard to the latter,
giving, above all things, your sources of information.

If

If not too much to ask, I would request you, as a security against the failure of a communication which I look for with no slight interest, to make it in duplicate; and, further, to transmit a third copy to the Secretary of State at Washington.

I am, Sir, very respectfully
Your Obed.t Serv.t

N. P. Trist

wana Consulate No. 106.

Enclosure No. 3 to Dec 22 1839

Boston Oct 31 1839

N. P. Trist Esqr
Havana

Sir

Mr Beckford of this city handed me, a few days since, your letter of the 26th of Sept. addressed to me, in which, after referring to the publication in the "N. York Morning Despatch" of statements purporting to have been made by me at a meeting of the ship-owners & merchants in Boston "to take into consideration the conduct of Consul Trist" you request me to furnish you with a statement, under my own hand, of what I said on that occasion, with which request I will endeavor to comply.

Having stated the determination of calling the meeting, & spoken to several attached to it, made up exclusively from my own interest felt in the subject matter to be discussed, & the cause of the meeting having been called upon, having recently returned from Havana, to state what I knew in relation to your official conduct.

As nearly as I can now recollect, I stated that I never had had personal intercourse with you which was unbecoming, nor do I think we ever had a disputing altercation, the occasion did not, as I conceived, elicit any decisive traits of character. Nevertheless from various circumstances which had come to my knowledge during several months residence in Havana and which, indeed were the theme of much conversation, I had formed an opinion that you was a man of irascibility & overbearing disposition, and of careless

& respectable manner, and one would not be likely to d
charge the duties of your office acceptably to Americ
ship masters, whose business necessarily called them
into daily intercourse with all classes & conditions
of men, and who of all others were, perhaps,
those, habits & feelings, the most strictly Republica
and therefore in danger of mistaking office
dignity for self estimation and consideration sup
erity

I stated some facts in relation to the impr
sonment of Capt Wenzel of the brig Kremlin and th
condemnation of the crew of the ship Mr Engs
agency therein and expressed an opinion, that in b
cases you were decidedly culpable, having made
of your official power to injure & oppress your coun
men

These are the remarks I made so far a
recollection serves me. The reporter not only
misrepresents me very much more, but in a manne
which I beg leave to disclaim. I have received
injury from you in any unfriendly feelings towards you & consequently
could have no motive for the "darkest pas
I am supposed to have taken against you
expressed my opinions freely upon the subject in
exercise of a right enjoyed by every Am. citizen
& discussing dispassionately and frankly the ac
acts of those placed in authority, and if circu
stances shall, hereafter, convince me that th
opinions were too hastily formed or rested up
too slight foundation, it will be my pleasu
as well as my duty to confess it as freely and p
licly

My knowledge of the facts in relation to

Capt. Windle's case can first receive [illegible] but considering this an ex parte statement I regard it as matter of fact, so much only as is corroborated by subsequent statements made by Captains Thax[illegible] Brewer of Boston and Nemble of Salem all whom I consider very respectable men and lastly by Mr Wm Bruce of Havana a gentleman of great respectability who appeared to be very friendly to you and also related some existing circumstances such as involved [illegible] gentleman like demeanour on the part of Capt. Windel

The facts stated in relation to the case of the crew of the Wm Enos were obtained mainly from a copy of a letter addressed by you to the Capt Gen'l surrendering those men to the local authorities to be dealt with according to the laws of the country, and also from copies of a correspondence between yourself & Capt Babbit of the Sloop [illegible] near Boston touching both cases

My memory does not serve me as to the [illegible] in relation to professional letters were [illegible] I saw them however in different hands. One of them, I think that to the Capt Gen'l was drawn up by a Doctor Bumstead

I am sir very respectfully
Your ob't serv't

Zach'a Jellison

N. P. Trist Esqr

U. States Consul

Havana

This Certificate not to be copied

We, George Knight, John Morland, and Edward Spalding, of Havana, Merchants, do hereby Certify, That the document hereunto attached by means of the Seal of the Consulate of the United States of America at this place, is an exact copy of the letter addressed to us severally, by N. P. Trist, under date July 1st 1839; which letter was answered by John Morland, under date the 1st of the same; by George Knight, under date the 3rd of the same; and by Edward Spalding, under date the 4th of the same. Witness our hands, this 14th day of December 1839.

Edw. Spalding

Geo. Knight

John Morland

Havana Consulate No. 106. Enclosure No. 4.

to be copied — The copyist will take care not to cut these leaves apart.

(Copy)

Consulate of the United States of America
Havana July 1st 1839.

Sir,

I will ask the favor of you to peruse the following notice of the return of the Sloop of War Boston to Pensacola in February last, taken from a newspaper of our country, which, as you will perceive, refers to the Pensacola Gazette, and then to reply to the subjoined questions. To render the trouble attending a compliance with my request as small as possible, they have been so drawn up as to require only a Yes or a No in reply.—

"The Sloop of war Boston, Captain Babbit, arrived at Pensacola on the 22nd " ult^o " after a cruise of one hundred and forty nine days among the keys and along the coasts of Florida, and Cuba, having passed inside the Florida reefs from Sombrero Key to the Dry Tortugas, a passage never before performed by a Sloop of war. The Pensacola Gazette states that the Boston was detained at Havana much longer than her

required

required time, in consequence of the active part taken by her commander, in relation to the difficulties arising between the masters of some American vessels and the authorities of Havana, involving questions of much import to their respective governments. Before leaving Havana an address from the American citizens resident there, and masters of vessels in port, at the time, was presented to Captain Babbit, expressive of their thanks for the able and zealous manner in which he had espoused their cause, and also their gratitude for the benefit which had accrued to them from the protection afforded by his presence, and begging a continuance of it, should it comport with his duty, by remaining at Havana.

The day previous to the sailing of the Boston, her commander and officers partook of a complimen= =tary dinner given to them on board the Ship Orleans of Boston Capt Bradbury, by the merchants and shipmasters in port."

The evident aim of this publication is, to impress upon our-fellow citizens at home the belief, that the signal distinctions, "an address" and "a complimentary dinner", whereby the Com= =mander of the Boston had been elevated above all our other naval commanders who have ever visited this port, or for years past at least, had been elicited

by

by some signal service rendered by him, or some very eminent utility resulting from his presence here.

The distinctions are represented to have been conferred upon these grounds. The persons conferring them are stated to have been, in regard to the address, "the american citizens resident there, and masters of vessels in port at the time;" and, in regard to the dinner, "the merchants and shipmasters in port."

Question No. 1. Are you an American citizen and merchant, resident at Havana?

Question No. 2. Did you sign the address in question, or subscribe to, or attend, the dinner?

Question No. 3. Do you know any American merchant or any American citizen who did either?

Question No. 4. Did you at the time, (viz in February last (or at any time during the visits of the Boston in December, January, and February) hear of either the address or the dinner?

Question No. 5. Do you know of, or believe in, any very signal service rendered here by Commander Babbit, or any very peculiar utility to American interests generally, or to American shipping in particular, resulting from "his presence"?

Question No 6. Do you know of, or believe in, any such service whatever, or any such utility whatever, whether signal or ordinary, peculiar or not peculiar?

Question

Question No: 7. Did you ever hear any such service or any such utility particularized ?

Question No: 8. Did you ever hear any person of respectable standing affirm a belief in any such service or any such utility ?

Question No. 9. Did you ever hear such a belief affirmed by any one whatever ?

Question No. 10. To the best of your knowledge and belief, did any ground whatever exist for "begging a continue=ance" of Commander Babbit's presence here ?

Question No 11. So far as you possessed any knowledge of, or belief regarding, the consequences to the character of our flag which attended "his presence" here, was "a continuance of it" a thing to be desired ?

Question No 12. So far as you possessed any knowledge of, or impressions regarding, the state of things that prevailed here in connection with the U. S. Ship Boston, was a pre=sumption afforded thereby, that these demonstrations of gratitude for her presence here, and of anxiety for its continuance, were got up by Mr. Ferdinand Clark and Dr Bumstead ?

I am, Sir, very respectfully
Your Obed.t Serv.t
(Signed) N. P. Trist.

This certificate not to be copied

CONSULATE OF THE UNITED STATES OF AMERICA.

HAVANA,

John A. Smith, Vice

I, ~~NICHOLAS P. TRIST~~, Consul of the United States of America, Do Hereby Certify, That, on the day of the date hereof, before me, personally appeared John Morland, of this city, merchant, who, being duly sworn, did declare, that the letter, a true and exact copy whereof is hereunto attached, addressed to N. P. Trist Esq, under date July 1. 1839, is the reply of him, the said Morland, to the letter addressed to him by the said N. P. Trist, under date July 1. 1839; and he did further declare that his said reply is, to the best of his knowledge & belief, true & correct.

In Testimony whereof, I hereunto set my Hand, and affix my Seal of office, at Havana, this 14 day of December, in the year of our Lord, one thousand eight hundred and thirty Nine and of the Independence of the United States the Sixty fourth.

J. A. Smith.

John Morland

Havana Consulate No. 106. Enclosure No. 5.

To be copied The copyist will take care not to cut these leaves apart

(Copy)

Havana 1st July 1839.

N. P. Trist Esqre

Agreably to your request, in continuation I send you the replies to the Questions contained in your letter of this date. To the first question I answer - Yes. To the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh, I answer No. - To the twelfth, - I knew or heard so little on the subject that I have formed no opinion on their origin.

Your Obt. Servt.

(signed) J. Morland

certificate
This paper not to be copied



CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That, on the day of the date hereof, before me, personally appeared George Knight, of this city, merchant, who, being duly sworn, did declare, that the letter, a true & exact copy whereof is hereunto attached, addressed to "N. P. Trist Esqr Consul for the United States at Havana" under date July 3. 1839, is the reply of him, the said Knight, to the letter addressed to him by the said N. P. Trist, under date July 1. 1839; and he did further declare that his said reply is, to the best of his knowledge & belief, true & correct

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 14th *day of* December, *in the year of our Lord, one thousand eight hundred and thirty* nine *and of the Independence of the United States the* 64th

N. P. Trist.

Geo Knight

to be copied The copyist will take care not to cut these leaves apart.

(Copy)

Havana July 9th 1839

Sir;

In answer to the queries contained in your communi=cation of 1st inst, I beg to reply: to the first question, Yes; — to the second, No; — to the third, no, with a single exception as to the ad=dress, which I will state; — to the fourth, as to the dinner, no; as to the address, Yes; — to the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, no; — to the twelfth, that my impression is, from conversations had at the time the Boston was here, that the expressions & demonstrations of gratitude toward the commander were got up by his friends, among which friends I understood that W. Ferdinand Clark & Doctor Bumstead took the lead.

With regard to the address mentioned in query fourth, I will add, that it was brought particularly to my no=tice in a conversation had with a Boston gentleman, who hap=pened to be here at the time, & who mentioned to me that he had signed it under a false impression of its object; for the purpose of expressing to me his regret at having done so, which he had uncautiously done at the request of Captain Wendall and relying upon his representations. He had formerly known Capt. W. in his father's or brother's employ.

Yr. ob. Servt.

(Signed) Geo: Knight.

To/ N. P. Trist Esqr.
Consul for the United States
at Havana.

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That, on the day of the date hereof, before me, personally appeared Edward Spalding, of this city, merchant, who, being duly sworn, did declare, that the letter, a true and exact copy whereof is hereunto attached, addressed to "N. P. Trist Esqre U. S. Consul, Havana," under date July 4. 1839, is the reply of him, the said Spalding, to the letter addressed to him by the said N. P. Trist, under date July 1. 1839; and he did further declare, that his said reply is, to the best of his knowledge & belief, true and correct.

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 14th *day of* December *in the year of our Lord, one thousand eight hundred and thirty* Nine *and of the Independence of the United States the* 64th

N. P. Trist

Edw. Spalding

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Havana Consulate No. 106. Enclosure No. 7.

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Havana 4th July 1839.

Sir,

I am favored with your communication of the 1st instant; in reply to the questions therein propounded, I can merely state (taking them in numerical order) as follows:—

No. 1, Yes.—

No. 2. 3. 4. & 5. No.—

No. 6. I have no personal knowledge of any such.

No. 7. 8. 9. 10. & 11.— No.—

No. 12. Never having heard of the address, or the dinner, as stated in reply to No. 4, I have of course no knowledge on this particular point.—

I am respectfully
Yr. Ob: Servt.
(Signed) Edwd. Spalding

To N. P. Trist Esqr.
U. S. Consul,
Havana.

8.)

Havana Consulate No. 106. Enclosure No. 8.

Statement of the number of vessels to the Consignment of the House of George Knight & Co. —

Year	Vessels
in 1825.	140 vessels
1826.	125 do.
1827.	110 do.
1828.	136 do.
1829.	187 do.
1830.	187 do.
1831.	207 do.
1832.	220 do.
1833.	218 do.
1834.	235 do.
1835.	245 do.
1836.	282 do.
1837.	288 do.
1838.	280 do.
1839.	257 do.

No. 107. Copy ale

Rec'd 8 Jan'y

Consulate of the United States of America
Havana, December 17th. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

I have pledged myself to a demon-
stration, which shall leave not a shadow
of doubt upon any mind, of the absurdity of
the imputations against me in regard to the
slave-trade; and also, supposing them not to
be absurd, of their untruth. This, however,
is a task, the accomplishment of which is
exposed to but one contingency: that of my
ceasing to live before I can marshal in their
proper order, the facts which constitute the
materials out of which that demonstration is
to be constructed. These facts are placed be-
-yond dispute, and therefore require not

that

that I should engage, with respect to them, in the collecting of testimony: seeing that they already stand recorded in our custom-houses, or constitute a part of the (so far as I know) universal belief in our country, among its ship-masters, ship-owners, merchants, collectors, lawyers and judges, in regard to one of the most important of the points involved.

The work, although, in truth, not requiring any other basis, would, however, have seemed to many eyes imperfect, unless sun to be supported externally by buttresses, consisting of the belief on the subject, prevalent at this place, among those under whose eyes my official life has passed. It was proper, therefore, that their testimony should be added to the proof which it was already in my power to adduce; or which, rather, already existed, and required only to be pointed out. To secure it against the casualties to which it was exposed, has, therefore, presented itself as the thing first to be done. The buttresses are erected; and although, in the estimation of the architect, not requisite to the support of his intended structure, they cannot but

add

add to its security. By breaking the violence of the tempest that howls over the spot, they will serve also the immediate purpose of affording him some protection whilst engaged in his work.

The documents herewith transmitted consist of,

No 1. A letter addressed by N. P. Trist, Consul of the United States of America at Havana, severally, to George Knight, John Morland, Edward Spalding and Daniel Osgood: the four American residents at Havana, whose names are best known in their own country, and throughout the commercial world. November 4. 1839.

No 2. The questions enclosed in the foregoing letter.

No 3. Reply of John Morland. November 11th 1839.

No 4. Reply of George Knight. November 15th 1839.

No 5. Reply of Daniel Osgood. November 18th 1839.

No 6. Reply of Edward Spalding November 20th 1839.

These documents require no

no remark from me further than to call attention to the fact, that although some of the queries relate to my general character, they are put solely on account of their special bearing upon points of character involved in the particular imputation in question. The error is to be avoided, of considering the design with which these interrogatories were drawn up, to be the vindication of my general official course or character. For any such purpose they would necessarily appear incomplete and, to the same extent unsatisfactory.

I am, Sir, very respectfully

Your Obed.t Serv.t

R. P. Hill.

Postscript. It will be perceived, that, with a view to meet objection on that score, the affidavits

of

of these gentlemen have been obtained to their replies: with the exception only, of that of Dr. Osgood, who had left the city for the interior, before it occurred to me to do so.

I would beg leave to suggest, that enquiry be made in our commercial cities, into the standing of these respondents: (all New Englanders) and also whether there be any <u>other</u> american merchants established at Havana; and if so, <u>who they are</u>.

N.P.T.

Letter addressed severally to the ~~four~~ american residents at Havana, whose names are best known in their own country, and throughout the commercial world, towit:

George Knight, Merchant.
John Morland, do
Edward Spalding, do.
Daniel Osgood, M. D.

Havana Consulate No. 107. Enclosure No. 1.

(Copy)

Consulate of the United States of America
Havana, November 4th 1839.

Sir,

Through the press of our country, you have become apprised of the charge, published to the world against "the American Consul at Havana," that he "has affixed his name to the papers of vessels about to be engaged in the for=bidden traffic in Slaves, and has likewise signed blank forms, to be filled up at pleasure by the persons in command of those vessels." See p. 4

Coming from no less exalted a source than Her Britannic Majesty's Principal Secretary of State for Foreign Affairs (a) this allegation brings with

(a.) The quarter from which it ostensibly proceeds is more imposing still: being nothing less, apparently, than the "Imperial Parliament" itself. In truth however, the agency of this "omnipotent" entity does not, in this case, extend beyond the mere act of receiving the documents "presented by Command of Her Majesty:" an act from which 'tis impossible that the contents of such documents can derive any additional weight in their logical or moral bearings. Whatever portion of this may be possessed by them, must be due

with it a weight of authority, of itself amounting almost to proof, and demanding at my hands a course that shall correspond to the very extraordin-=ary disadvantage at which alone it can be met.

An accuser of ordinary standing, it might be sufficient to confront with a challenge to the proof; and, under cover of the plain axiom of justice by which this position is prescribed to the accused, I might quietly rest until he should have brought forward those evidences, of the existence of which his proclamation of belief in the truth of the charge is a recorded pledge. The present case, however, is one in which this course will not suffice. The official elevation of my accuser — affording, as it does, a guarantee of deliberateness and scrupulousness in all his acts; above all, in a proceeding of such delicacy and res-=ponsibility as that of bringing, in the face of the world, a charge, at once so blasting and so intrinsi-=cally improbable, against an officer of a foreign government — forbids that I should allow its

influence

due solely to the head from which they are to be presumed to have received consideration. That head, in the present instance, is the head of Her Majesty's Principal Secretary of State for Foreign Affairs. To all logical and moral intents, the act of publication is his act. From him is all its weight derived; to him does all its responsibility — all moral responsibility, at least, — attach. The authority belonging to his official station — nothing more, nothing less — is what this accusation does in reality come supported by. This, to be sure, is imposing in a high degree. Not however, so high as would be that attaching to a deliberate act of the British Parliament.

influences to work undisturbed, while awaiting to see what materials he may have it in his power to produce to justify the confidence which his word has awakened. It demands that the task of positive dis-proof, so far as the nature of the subject admits of it, be at once undertaken by me. End

Of the matter of evidence which may be pertinent to a question of this kind, all that relates to character is of obvious and high importance. Of the acts which may be imputed to a man, some are of a nature to admit of absolute and specific disproof; while in regard to others, the negative admits of no other support than that of probabilities. To the latter class, indeed, belongs every act with which a man can be charged, except when by the specification of time and place, such individuality is given to it as brings within the bounds of possibility an abso-lute proof that it could never have occurred. In any other case, the negative can have no other support than such probabilities as, from the na-ture of the subject, may exist with regard to it.

To this class belongs the act of signing "blank forms," "to be filled up at pleasure by the persons" to whom they are supplied; which in the

allegation

allegation above quoted, is represented as being among my official practices. (b) To it, few things in the shape of testimony can be more directly pertinent, whether for support or disproof, than the character which my acts and department as an officer and as a man may have established for me upon this theatre. The practice imputed to me is of the very deepest baseness; and not only does it imply turpitude and venality the most sordid, but the utter shamelessness and recklessness which belong to none but the most abandoned characters. The imputation, therefore cannot fail to find either corroboration or contradiction in the estimation which my conduct may have affixed to me

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(b.) I confine myself here to this branch of the allegation, for the reason that the other practice therein referred to is of a nature not to require the same sort of notice as that which I am taking of the mate to which it is here yoked.

Whilst, of the two acts thus coupled together, one is of a turpitude too flagrant to escape the dullest eye, the other is, by any one in the slightest degree acquainted with Consular functions, or even possessing the most elementary notions regarding the Mercantile rights of a Ship-owner or his representative, the master, concerning the mode wherein he may see fit to employ his vessel, seen at a glance to afford no possible ground of imputation against a Consul.

In regard to the one act, if the accusation attach to him, his character is irremediably blasted. Hence the necessity of seeking testimony that may have a bearing upon the point. In regard to the other act, no such necessity exists; because no one at all acquainted with the relation in which the Consul stands toward vessels, can fail to be sensible that a more utterly and essentially

me, in regard especially to those particular features of character which are particularly implicated in the charge.

For this reason I have determined to seek, upon these points, the testimony of some of those under whose eyes my official existence has passed: beginning with those of my own countrymen whose names are most extensively known both at home and throughout the commercial world.

The best shape in which testimony on such points can be given, is that of specific replies to precise interrogatories.

At

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essentially futile charge cannot be conceived against any officer, than that against a Consul, of having "affixed his name to the papers of vessels about to be engaged in the forbidden traffic in slaves;" and that even if the charge were so modified as to impute to him the same act, in regard to vessels, Known, or notoriously known, to be "about to be engaged in the forbidden traffic in slaves," it would still be utterly and essentially futile. No such person but is aware, that, either to govern his conduct in regard to vessels by reason concerning their contemplated employment, or to institute investigations on such subjects, is altogether beyond the province of a Consul. Nor can any one fail to perceive that what is in this respect, is right; for the only possible alternative to it would consist in investing the Consul with a degree of discretionary power far exceeding any that is possessed by the highest Magistracy, whether executive or judicial, at home.

End

At the same time, this is the least incon-
-venient form in which the task of giving
such testimony can be proposed to any one.
The trouble is reduced to its minimum
when the questions are so drawn up as to
require only a Yes or No in reply. This will
be found to be the character of those (fifty-
-two in number) herein enclosed; which
I trust that you will deem the position
wherein I am placed by this wanton cal-
-umny a sufficient apology for requesting
you to take the trouble of carefully perusing
and giving written replies to..

I am, Sir, very respectfully
Your Obed.t Serv.t

(Signed) N. P. Trist.

Copy ad

We, George Knight, John Morland, and Edward Spalding, do hereby Certify, that the fifty-two questions hereunto attached by means of the Seal of the Consulate of the United States of America at this city, are an exact copy of those enclosed in the letter addressed to us severally by H. P. Trist, under date November 4th 1839; which questions have been answered by John Morland, in his letter under date the 11th of the same; by George Knight, in his letter under date the 15th of the same; and by Edward Spalding, in his letter under date the 20th of the same: of which letters duplicates have been signed by us respectively. Witness our hands, ~~this~~ ~~14th~~ at Havana, this 14th day of December 1839.

Edw. Spalding

Geo. Knight

John Morland

Havana Consulate No. 107. Enclosure No. 2.

Questions

1. — Has any instance ever come to your knowledge, of my having, to accommodate any person whatever, "signed a blank form" of any description whatsoever, "to be filled up by" such person or by any one in his behalf?
2. — Until the recent publication, referred to in my letter, had you ever heard of any act of the kind being imputed to me?
3. — Had you ever heard of any act of the kind being imputed to the Consulate of the United States of America at Havana since it came into my charge?
4. Now, that it is known to you that the imputation has been made, do you believe in its truth?
5. — Do you positively disbelieve it?
6. — Do you think that your opportunities have been good for forming a correct estimate of my character as an officer and as a man?

7.—

7.— Has anything whatever ever, to your knowledge, occurred, affording any ground whatever for distrusting my probity or trustworthiness, either as an officer or as a man?

8.— Have you ever known any definite imputation to be cast upon me either as an officer or as a man, in respect to probity or trustworthiness?

9.— Have you ever heard of any such imputation from any quarter?

10. Have you ever heard of any such imputation from any quarter, which, supposing the same imputation from the same quarter to have been cast upon a person altogether unknown to you, would have been deemed by you entitled to any credit?

11. So far as my character is known to you, is it a mercenary one?

12. Do you consider it to be the reverse of mercenary?

13.— Do you consider me to be eager after money?

14.— Has any fact ever come to your knowledge, evincing such eagerness?

15.— Have you ever heard of any such fact?

16.— Have you ever known any improper charge to be made at my office?

17. Have you ever heard of any such improper charge?

18. Have you ever heard of any contention whatever having arisen out of any charge or demand for money made at my office in my own behalf?

19.- Have you ever known me to shrink from contention on other subjects presented by the official relations in which I am placed?

20.- Have you ever heard of my so doing in any instance?

21. Is not the law of the United States, requiring the payment of three-months extra wages upon the discharge of seamen, exceedingly hateful to all classes upon whom it bears: ship-masters, ship-owners and merchants?

22 Is there not a particular odium attached to the demand of those extra-wages by the Consul?

23. Is not this provision of the law such, that nothing is requisite for its successful evasion than the merest tacit connivance on the part of the Consul?

24. Does not a general sentiment prevail on the subject, that the Consul ought to connive at its evasion?

25. Have you ever heard of an instance in which such connivance was given by me?

26. Have you ever heard of an instance in which, knowing or hearing of any attempt or intention to evade this law, I have failed to take active measures to enforce its observance?

27. In the whole circle of Consular duties, do you know of one, in regard to which a Consul capable of sacrificing duty to personal considerations would be so sure to evince such disposition?

28. Except in regard to the course pursued by me in cases wherein sailors or mariners of subordinate grade were parties against ship-masters, has any official act of mine ever come to your knowledge, that was deemed by you objectionable?

29. With the exception just stated, have you ever heard of any official act being imputed to me, which was deemed by you objectionable?

30. Have you ever heard of any such imputation from any quarter, which, supposing the same imputation from the same quarter to have been cast upon a person altogether unknown to

you

you, would have been deemed by you en-
-titled to any credit?

31. With regard to the cases excepted in question 28, wherein sailors or mariners of subordinate grade were parties against ship-masters, has not my course been the reverse of that which was recommended by considerations of person-
-al convenience or interest?

32. In such cases, have you ever known an instance in which I failed to pursue the course dictated by my own judgment; or to prove utterly regardless of who the parties might be, or who might take an interest in the subject, or what opinion might be entertained as to the propriety of my course by my countrymen, whether friends or strangers to me?

33. From the knowledge which you possess, of the mode in which slave-trade operations are conducted and talked of here, do you believe it possible that the Consul of the United States at this place should be, in any way, directly or indirectly, concerned or interested in that business without its coming to your ears?

34. Until the charges to that effect, recently made

made in the newspaper press of the United States, had you ever heard that the idea of my being in any way concerned or interested in the Slave-trade had ever entered the head of any one?

35. Has any ground whatever for any such belief ever presented itself to your mind?

36. Has any suspicion of the sort ever crossed your mind?

37. Now, that the charge has been made, do you attach any credit thereto?

38. Do you positively disbelieve it?

39. Have you ever known an instance of a "false bill of sale of a vessel," or of a fictitious document of any sort, having been granted by me, or having issued from my office?

40. Have you ever heard of any such instance?

41. Do you believe that any such instance ever occurred?

42. Since this Consulate has been held by me, have you ever known an instance of a vessel which had arrived at this port under a foreign flag, having exchanged it for the flag of the United States?

43. Have you ever heard of any such instance?

44. Do you believe that any such instance ever occurred?

45. Since this Consulate has been held by me, have you ever known an instance of a vessel's leaving here under the American flag, whether for the coast of Africa or any other part of the world, which had not as absolute and perfect a right to leave, and to be exempt from all Consular interference in so doing, as any packet that ever cleared for the port of New York, or any sugar-laden ship that ever cleared for "Cowes and a market"?

46. Have you ever heard of any such instance?

47. Do you believe that any such instance ever occurred?

48. Have you ever known an instance of any infraction or evasion of any law of the United States taking place through my connivance, or with it?

49. Have you ever heard of any such instance?

50. Do you believe that any such instance ever occurred?

51. Suppose a vessel to leave Havana under the Portuguese or any other flag, to be employed in the slave-trade; and suppose said vessel to be provided with a number of all the forms known to you as being

used

used in the American Consulate at this place, said forms being signed in blanks by the Consul, and also sealed with the seal of the Consulate, "to be filled up at pleasure by the person in command of that vessel": Can you conceive a single use that any of such blanks forms could be put to?

52. Suppose an occasion to arise in which it should be desirable to make such vessel pass for an American vessel: can you conceive any possible way in which any or all of said blank forms, could be made to serve that purpose?

(Signed) N. P. Trist.

November 4. 1839.

Explanatory Remarks on Questions 8, 9, and 10.

1. These questions distinguish between knowing an imputation to be cast upon the probity or trustworthi=ness of an officer, and hearing of such an imputa=tion.

The

The nature and object of the distinction will be best explained by an example:

A. hears B. charge the Consul with having demanded a higher fee than he was entitled to receive, or with having connived at the infraction of a law, or with having made out a false document, or with having received money on account of a sailor and retained it, or with any other such act. Or, in regard to his personal character, with having acted in bad faith towards some person, or with having deviated from the truth, or with having lived beyond his means, or with having shewn that he was indifferent or careless about contracting pecuniary obligation.

A. hears B. say that the Consul has been charged with one of the foregoing acts.

In the former case, A. has known an imputation to be cast upon the Consul's probity or trustworthiness.

In the latter case, he has only heard of such an imputation.

If either of these cases had happened to A., he would answer the corresponding question 8, or 9, in the affirmative. If neither had happened to him he would answer both in the negative.

2. Another explanatory remark which these three questions call for is this: the last of the three,

(No. 10)

(No. 10.) has been added to the other two, in order to preclude the necessity of any thing more than a yes or no, in reply to each of them; without the addition of a word in regard to the character of the source whence the imputation may have come.

Thus, both 8, and 9, may be answered in the affirmative; and the answer to 10, will convey the in=formation, whether the source or sources whence the imputation or imputations came were, or were not, deemed by the respondent to be deserving of credit.

The answer to both 8, and 9, or to either of them, may be Yes; and yet the answer to 10, be No. On the other hand if the answer to both 8 and 9, be No, then it fol=lows that the answer to 10, must also be No. In this case, the question becomes altogether unnecessary: the sole purpose for which it is put, being to meet the case of an affirm=ative answer to questions 8, and 9, or either of them.

It is to be noted too, that these questions relate to definite imputations, — to the imputation of acts of misconduct, and not to vague imputations: such for instance as, "the Consul is a rascal," — or "the Consuls' motive for exacting the three-months extra wages is, to make money."

Havana Consulate No. 107. Enclosure No. 3.

Copy ack

(Copy.)

Havana November 11th 1839.

N. P. Trist Esqr.

Consul of the United States of America.

Sir,

In compliance with the request in your favor of the 4th inst. I give the following replies to the Fifty two questions therein enclosed:

1. To the first, I reply, no.
2. To the Second, I reply, no.
3. To the third, I reply, no.
4. To the fourth, I reply, no.
5. To the fifth, I reply, yes most positively
6. To the sixth, I reply, yes
7. To the seventh, I reply, no.
8. To the eighth, I reply, no, never from persons to whom I gave credit.
9. To the ninth, I reply, never, except from persons, to whom credit was not due.
10. To the tenth, I reply, Yes I have as the imputations were made in ignorance and for that reason were generally unworthy of credit.
11. To the eleventh, I reply, no.
12. To the twelfth, I reply, Yes just the reverse.
13. To the thirteenth, I reply, no

14.

14. To the fourteenth, I reply no
15. To the fifteenth, I reply no
16. To the sixteenth, I reply never
17. To the seventeenth, I reply no
18. To the eighteenth, I reply no
19. To the nineteenth, I reply no
20. To the twentieth, I reply no
21. To the twenty first, I reply yes
22. To the twenty second, I reply yes
23. To the twenty third, I reply yes
24. To the twenty fourth, I reply yes
25. To the twenty fifth, I reply never
26. To the twenty sixth, I reply no
27. To the twenty seventh I reply no
28. To the twenty eighth I reply no
29. To the twenty ninth, I reply no
30. To the thirtieth, I reply no
31. To the thirty first, I reply I believe it has.
32 To the thirty second I reply no
33. To the thirty third, I reply no
34. To the thirty fourth, I reply no
35. To the thirty fifth, I reply no
36. To the thirty sixth, I reply no
37. To the thirty seventh, I reply not the least
38. To the thirty eighth I reply. I do.
39. To the thirty ninth, I reply no

40. To the fortieth I reply no

41. To the forty first. I reply no

42 To the forty second, I reply no, never.

43. To the forty third, I reply no

44. To the forty fourth, I reply no

45. To the forty fifth, I reply no

46. To the forty sixth, I reply no

47. To the forty seventh, I reply no

48. To the forty eighth, I reply I do not.

49. To the forty ninth, I reply no

50. To the fiftieth, I reply no

51. To the fifty first, I reply no

52. To the fifty second, I reply, no, altho at first I was inclined to think it possible that a blank Bill of Sale might have had the consular ~~C~~atificate, but when I recollected the consular seal was used to attach the certificate to the Bill of Sale I became convinced to Contrary. I am,

Your most Obed.t Serv.t

(signed) J. Morland.

Note. Having been requested to state the imputations against Mr. Trist's Probity or trustworthiness, which are refered to in my answers 8, 9 and 10, as having been known or heard of, by me, I comply with that request

by

by saying,- The imputations alluded to in the 8, 9, and 10. were such as are made in the American papers, and which I knew to be false, when applied to Mr. Trist. There were some of the persons however, to whom I should have given credit, If I had have had no knowledge of the accused persons.—

(signed) J. Morland.

Please would D not be copied

I Certify that the foregoing is a true copy

John Morland

November 26. 1829.

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

John A. Smith, Vice
I, ~~NICHOLAS P. TRIST~~, Consul of the United States of America, Do Hereby Certify, That, on the day of the date hereof, before me, personally appeared John Morland, of this city, merchant, who, being duly Sworn, did declare, that the letter hereunto attached, under date November 11th 1839, addressed to N. P. Trist Esqr. Consul of the United States of America, contains the replies of him, the said Morland, to the fifty-two questions enclosed in the letter addressed to him by the said N. P. Trist, under date November 4. 1839; and the said Morland did further declare, that his said replies are, to the best of his knowledge and belief, true and correct.

In Testimony whereof, I hereunto set my Hand, and affix my Seal of office, at Havana, this 14th day of December in the year of our Lord, one thousand eight hundred and thirty Nine and of the Independence of the United States the 64th

J. A. Smith

John Morland

Copy

(Duplicate)

Havana November 15th 1839.

N. P. Trist Esqre

Consul of the United States of America.

Sir,

In compliance with the request in your favor of the Fourth inst, I give the following replies to the Fifty two questions therein enclosed:

1. To the first, I reply, no,
2. To the Second, I reply, no,
3. To the third, I reply, no,
4. To the fourth, I reply, no,
5. To the fifth, I reply, yes,
6. To the sixth, I reply, yes,
7. To the seventh, I reply, no,
8. To the eighth, I reply, never,
9. To the ninth, I reply, no,
11. To the eleventh, I reply, no; quite the reverse
12. To the twelfth, I reply, yes,
13. To the thirteenth, I reply, no
14. To the fourteenth, I reply, never,
15. To the fifteenth, I reply, never,
16. To the sixteenth, I reply, never,
17 To the seventeenth, I reply, no.
18 To the eighteenth, I reply, never.

19. To the nineteenth, I reply never
20. To the twentieth, I reply never
21. To the twenty first, I reply yes very
22. To the twenty second, I reply yes
23. To the twenty third, I reply yes
24. To the twenty fourth, I reply yes
25. To the twenty fifth, I reply never
26. To the twenty sixth, I reply never
27. To the twenty seventh, I reply, no,
28. To the twenty eighth, I reply, no.
29. To the twenty ninth, I reply, no
30. To the thirtieth, I reply, no,
31. To the thirty first, I reply, yes,
32. To the thirty second, I reply, never,
33. To the thirty third, I reply, no
34. To the thirty fourth, I reply, never
35. To the thirty fifth, I reply, never
36. To the thirty sixth, I reply, never
37. To the thirty seventh, I reply, none,
38. To the thirty eighth, I reply, positively.
39. To the thirty ninth, I reply, never
40. To the fortieth, I reply, never
41. To the forty first, I reply, no,
42. To the forty second, I reply, never
43. To the forty third, I reply, never,
44. To the forty fourth, I reply, no,

45. To the forty fifth, I reply, no,
46. To the forty sixth, I reply, never,
47. To the forty seventh, I reply, no,
48. To the forty eighth, I reply, never,
49. To the forty ninth, I reply, never,
50. To the fiftieth, I reply, no,
51. To the fifty first, I reply, no,
52. To the fifty second. I reply, I do not see any,

I am Sir, respectfully

Your Obed.t Serv.t

Thos Knight

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That, on the day of the date hereof, before me, personally appeared George Knight, of this city, merchant, who, being duly sworn, did declare that the letter hereunto attached, under date November 15th 1839, addressed to N. P. Trist Esq. Consul of the United States of America, contains the replies of him, the said Knight, to the fifty two questions enclosed in the letter addressed to him by the said N. P. Trist, under date the 4th November 1839; and the said Knight did further declare, that his said replies are, to the best of his knowledge & belief, true and correct.

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 14th *day of* December *in the year of our Lord, one thousand eight hundred and thirty* Nine th *and of the Independence of the United States the* 64th

N. P. Trist.

Geo. Knight

45

Havana Consulate No. 107. Enclosure No. 5.

Copy ate

(Duplicate)

Havana, November 18th 1839.

N. P. Trist Esqre
Consul of the United States of America.

Sir,

In compliance with the request in your favor of the 4th inst, I give the following replies to the Fifty two questions therein enclosed:

1. To the first, I reply no.
2 To the second, I reply no.
3 To the third, I reply no.
4 To the fourth, I reply no.
5 To the fifth, I reply yes.
6 To the sixth, I reply yes.
7 To the seventh, I reply no.
8 To the eighth, I reply no.
9 To the ninth, I reply no.
10 To the tenth, I reply no.
11 To the eleventh, I reply no.
12 To the twelfth, I reply yes.

13. To the thirteenth, I reply no.
14. To the fourteenth, I reply no.
15 To the fifteenth, I reply no.
16 To the sixteenth, I reply no.
17 To the seventeenth, I reply no.
18 To the eighteenth, I reply no.
19 To the nineteenth, I reply no.
20 To the twentieth, I reply no.
21 To the twenty first, I reply yes.
22 To the twenty second, I reply yes
23 To the twenty third, I reply yes.
24 To the twenty fourth, I reply yes.
25 To the twenty fifth, I reply no.
26 To the twenty sixth, I reply no.
27 To the twenty seventh, I reply no.
28 To the twenty eighth, I reply no.
29 To the twenty ninth, I reply no.
30 To the thirtieth, I reply no.
31 To the thirty first, I reply yes.
32 To the thirty second, I reply no.
33 To the thirty third, I reply no.
34 To the thirty fourth, I reply no.
35 To the thirty fifth, I reply no.
36 To the thirty sixth, I reply no.
37 To the thirty seventh, I reply no.
38 To the thirty eighth, I reply yes.

39 To the thirty ninth, I reply no.
40. To the fortieth, I reply no.
41 To the forty first, I reply no.
42 To the forty second, I reply no.
43 To the forty third, I reply no.
44 To the forty fourth, I reply no.
45 To the forty fifth, I reply no.
46 To the forty sixth, I reply no.
47 To the forty seventh, I reply no.
48 To the forty eighth, I reply no
49 To the forty ninth, I reply no.
50 To the fiftieth, I reply no.
51 To the fifty first, I reply no.
52 To the fifty second, I reply no.

I am, Sir, respectfully
Your Obed.t Serv.t
Daniel Osgood. M.D.

Copy ale

Havana November 20th. 1839.

N. P. Trist Esqr.
Consul of the United States of America
Sir,

In compliance with the request in your favor of the 4th inst, I give the following replies to the fifty two questions therein enclosed,-

1. To the first, I reply no.
2. To the second, I reply, no.
3. To the third, I reply, no.
4 To the fourth, I reply, no.
5. To the fifth, I reply, yes.
6 To the sixth, I reply, yes.
7. To the seventh, I reply, no.
8. To the eighth, I reply, no.
9. To the ninth, I reply, no.
10 To the tenth, I reply, no
11. To the eleventh, I reply, no.
12 To the twelfth, I reply, yes.
13. To the thirteenth, I reply, no.
14 To the fourteenth I reply, no.
15 To the fifteenth, I reply, no.
16 To the sixteenth, I reply, no.
17. To the seventeenth, I reply, no.
18. To the eighteenth, I reply, no.
19 To the nineteenth, I reply, no.
20 To the twentieth, I reply, no.
21. To the twenty first, I reply, yes
22 To the twenty second, I reply, yes.
23. To the twenty third, I reply, yes.
24. To the twenty fourth I reply, yes.
25. To the twenty fifth, I reply, no.
26. To the twenty sixth, I reply, no.

27. To the twenty seventh, I reply, no.
28. To the twenty eighth, I reply, no.
29. To the twenty ninth, I reply, no.
30. To the thirtieth, — I reply, no.
31 To the thirty first, I reply, yes.
32. To the thirty second, I reply, no.
33. To the thirty third, I reply, — no.
34. To the thirty fourth, I reply, no.
35. To the thirty fifth, I reply, never.
36. To the thirty sixth, I reply, no.
37. To the thirty seventh, I reply, no.
38. To the thirty eighth, I reply, yes.
39. To the thirty ninth, I reply, no.
40. To the fortieth, I reply, no.
41. To the forty first I reply, no.
42 To the forty second, I reply, no.
43 To the forty third, I reply, no.
44. To the forty fourth, I reply, no.
45. To the forty-fifth I reply, no.
46. To the forty sixth, I reply, no.
47. To the forty seventh, I reply, no.
48. To the forty eighth, I reply, no.
49. To the forty ninth, I reply, no
50. To the fiftieth — I reply, no.
51. To the fifty first. I reply, no.
52. To the fifty second. I reply, no.

I am Sir, respectfully
Yr ob. Servt.
Edw Spalding

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, **Do Hereby Certify**, That, on the day of the date hereof, before me, personally appeared Edward Spalding, of this city, merchant, who being duly sworn, did declare, that the letter hereunto attached, under date November 20th 1839, addressed to "N. P. Trist Esqre Consul of the United States of America", contains the replies of him, the said Spalding, to the fifty two questions enclosed in the letter addressed to him by the said N. P. Trist, under date November 4. 1839; and the said Spalding did further declare, that his said replies are, to the best of his knowledge and belief, true and correct.

In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 14th day *of* November *in the year of our Lord, one thousand eight hundred and thirty* Nine *and of the Independence of the United States the* 64

N. P. Trist.

Edw. Spalding

2 8 Janry
Rec'd Nº 108.

Copy rec'd

Consulate of the United States of America
Havana, December 18. 1839.

Hon: John Forsyth
Secretary of State.
Sir,

Referring to my Nº 107, I have the honor to transmit three other documents relating to the same subject, towit:

Nº 1. Letter from N. P. Trist to C. D. Tolmé Esqr. November 9. 1839.

Nº 2. Questions enclosed in the foregoing letter.

Nº 3. Reply of C. D. Tolmé. November 15. 1839.

These documents require no remark from me, further than to call

= call attention to the fact, that al =
= though some of the queries relate to my
general character, they are put solely
on account of their special bearing upon
~~the~~ points of character involved in the particular
imputation in question. The error is
to be avoided of considering these inter =
= rogatories as drawn up with a view
to the vindication of my general official
course, or character. This would have
required a much wider scope of en =
= quiry.

I am, Sir, very respectfully
Your Obed.t Serv.t

S. L. Hill.

Havana Consulate No. 108. Enclosure No. 1.

Copy

[Copy]

Consulate of the United States of America

Havana, November 9th 1839.

To D. D. Tolmé Esqr

Sir,

Events having rendered it due to my character both as a man and as an officer, that I should seek, in relation to a particular imputation upon it, such evidence as the nature of the subject admits of, my knowledge of you enables me at the same time to appreciate your value as a witness, and, notwithstanding the seeming delicacy of our official positions relatively to the subject, to appeal without hesitation to your sense of the obligation to bear testimony to the truth.

Had I to choose from all the persons known to me, whether personally or by name only, one in whom to put reliance as a source of information in regard to the Slave-trade and all matters directly or indirectly connected therewith, the selection could fall upon none but you. Ever since I first formed your acquaintance, on my arrival here, nearly six years ago, it has, if I mistake not, constituted part of your official duty to collect information of this character; and, in saying that of all those who, on this theatre, during the period just stated, have participated in that duty, there is not one

in

in behalf of whom the most distant pretension could be advanced to compare with you in any one of the qualifica-tions for this or any other public trust, I do but give utter-ance to a conviction which is not only mine, but, so far as I know or believe, that of all who have ever had any means to form an opinion on the subject. I en-tertain not a doubt that it is the common sentiment of this place: entertained by foreigners of all nations as well as your own countrymen; and that it cannot fail to have penetrated, at home, wherever the opportunity has been conjoined with the capacity to form an estimate of your character.

With regard to the fountains of information which may here exist upon this or any other subject, you possess the keys to them all, in your command of the four languages spoken here: an advantage that, in you proves the more effective, from your strong taste and emi-nent talent for social converse. On the other hand, your understanding is known to be of an order to afford a secu-rity for the discrimination indispensable to a correct use of such powers and opportunities; whilst that security re-ceives corroboration from the aversion of a moral nature such as yours, to both the deception and the injustice which are the natural fruits of the careless adoption and reckless propagation of untruth. In a word, your qualities of head and heart, — your intelligence,

penetration

penetration and tact, — your frank, cordial and prepossess=
=ing manners, — your conscientiousness and benevolence, — all
conspire to afford a security that the task of collecting inform=
=ation on the subject in question, as pursued by you, has
been pursued in the way that such a task must be, to
produce a result of any real value; that your aim has
been to do and not to seem; that you have deemed it your
duty always, first to satisfy your own mind upon a point,
before stamping it as a thing which might be thrown into
the currency of facts; that you have acted under that never
failing sense of obligation to truth, which is necessary to in=
=spire the habitual earnestness after fact, so distinguishable
from the reckless ad captandum spirit prevalent at this hour,
that welcomes to its net any thing and every thing, however im=
=probable, however untrue, however preposterous, which may
suit the heated imaginations on whose excitement it profits,
and, thereby obtaining acceptance as proof of high merit in the
purveyor, answer the only purpose for which he cares.

This language, although merely the utterance of
what every one here knows and feels — only more or less
distinctly according to the opportunities he may have enjoyed —
will, I am aware, be apt to subject the understandings of us
both, if not my motives, to reproach. The semblance of flattery
will however vanish before the truth, that these facts con=
=stitute the reason why value should be attached to
your testimony. That testimony is sought because it

is valuable; and it is valuable because of the qualifi-
-cations which you have brought to the task of making
yourself conversant with the slave-trade and all things
incident thereto. In speaking as I have done, therefore,
I have merely given my reason for calling you as a
witness.

Had your testimony been destined for use at
this place, where a residence of many years has made
you well known, or in your own country, where you
must be better known still, it would have been super-
-fluous to assign any reason of the kind for asking
it. But it is intended for use in my country, where
you are not known; and it was necessary, and there-
-fore proper, that those upon whose minds it is des-
-igned to operate should learn something of those
qualities of its source, whereon its value so greatly
depends. That information, in whatever shape pro-
-duced, could come only from myself. It could consist
only of statements made by me, or of statements pro-
-cured by me: so that, whether under the one form
or the other, the truth of the matter could not be adduced
without exposing me to the imputation of offering
flattery, and you to that of accepting it. This being the
case, it could matter but little, in respect to this
unavoidable semblance of flattery, whether it should
appear in this letter or in some appendage to it;

whilst,

whilst, in other respects the letter asking your testimony, (in truth, addressed rather to the Public in my country than to yourself: for otherwise the request might, with greater convenience, have been made orally,) seemed the most appropriate place for declaring my reason for desiring it.

The best shape in which testimony of the nature of that which I am seeking can be given is, that of exact replies to precise interrogatories: for the reader can at once perceive whether these are so framed as fully to elicit whatever information the witness may possess. At the same time, this is the least troublesome form in which the tasks of giving testimony can be proposed to him. The trouble is brought within the narrowest compass possible when the questions are so put as to require only a Yes or No in reply. This will be found to be the character of those (fifty-nine in number) herein enclosed; which I trust that you will deem the necessity under which I am placed for the testimony of those here who have had the best opportunities to acquire a knowledge of my acts and character, a sufficient apology for requesting you to take the trouble of carefully perusing and giving written replies to.

I am, Sir, very respectfully

Your Obed.t Serv.t

N. P. Trist

This certificate not to be copied

I, Charles D. Tolmé, do hereby Certify, that the Fifty-nine questions hereunto attached by means of the Seal of the Consulate of the United States of America at this place, are an exact copy of those enclosed in the letter addressed to me by N. P. Trist, Esq. under date November 9th 1839, and answered in mine under date the 15th of the same month. Witness my hand, at Havana, this 14th day of December 1839.

C D Tolmé



Copy etc.

(Copy)

Questions.

1. Has any instance ever come to your knowledge of my having, to accommodate any person whatever "signed a blank form" of any description whatsoever, "to be filled up by" such person or by any one in his behalf?
2. Until very recently, had you ever heard of any act of the kind being imputed to me?
3. Had you ever heard of any act of the kind being imputed to the Consulate of the United States of America at Havana since it came into my charge?
4. Now, that it is known to you that the imputation has been made, do you believe in its truth?
5. Do you positively disbelieve it?
6. Do you think that your opportunities have been good for forming a correct estimate of my character as an officer and as a man?
7. Has any-thing whatever ever, to your knowledge, occur-red, affording any ground whatever for distrusting my probity or trustworthiness, either as an officer or as a man?

8. Have you ever known any definite imputation to be cast upon me either as an officer or as a man, in respect to probity or trustworthiness?

9. Have you ever heard of any such imputation from any quarter?

10. Have you ever heard of any such imputation from any quarter, which, supposing the same imputation from the same quarter to have been cast upon a person altogether unknown to you, would have been deemed by you entitled to any credit?

11. So far as my character is known to you, is it a mercenary one?

12. Do you consider it to be the reverse of mercenary?

13. Do you consider me to be eager after money?

14. Has any fact ever come to your knowledge, evincing such eagerness?

15. Have you ever heard of any such fact?

16. Have you ever known any improper charge to be made at my office?

17. Have you ever heard of any such improper charge?

18. Have you ever heard of any contention whatever having arisen out of any charge or demand for money made at my office in my own behalf?

19. Have you ever known me to shrink from contention on other subjects presented by the official relations in which I am placed?

20.

20. Have you ever heard of my so doing in any instance?

21. Is not the law of the United States, requiring the payment of three-month's extra wages upon the discharge of seamen, exceedingly hateful to all classes upon whom it bears: ship-masters, ship-owners and merchants?

22. Is there not a particular odium attached to the demand of those extra wages by the Consul?

23. Is not this provision of the law such, that nothing is requisite for its successful evasion than the merest tacit connivance on the part of the Consul?

24 Does not a general sentiment prevail on the subject, that the Consul ought to connive at its evasion?

25 Have you ever heard of an instance in which such connivance was given by me?

26. Have you ever heard of an instance in which, knowing or hearing of any attempt or intention to evade this law, I have failed to take active measures to enforce its observance?

27. In the whole circle of Consular duties, do you know of one, in regard to which a Consul capable of sacrificing duty to personal considerations would be so sure to evince such disposition?

28. The course pursued by me on divers occasions in cases wherein sailors or mariners of subordinate grade were parties against ship-masters, has it not, to the best of your knowledge and belief, come in direct conflict with the universal sentiment among american merchants and ship-masters at this place; and been deemed highly prejudicial to their interests?

29. With the exception of the course pursued by me on the occasions referred to in the last question, have you ever heard of any official act being imputed to me, that, by any American merchant or ship-master of respectable character, was deemed to be objectionable?

30. The nature and extent of your acquaintance and intercourse with American merchants and ship-masters and with merchants and ship-masters of other nations, associating with the former, being considered, is it, or is it not in the highest degree improbable that a single imputation of the kind mentioned in the last question could have been brought against me without your hearing of it?

31. With regard to the cases excepted in question 28, wherein sailors or mariners of subordinate grade were parties against ship-masters, has not my course been the reverse of that which was

recommended

recommended by considerations of personal convenience or interest?

32. In such cases, have you ever known an instance in which I failed to pursue the course dictated by my own judgment; or to prove utterly regardless of who the parties might be, or who might take an interest in the subject, or what opinion might be entertained as to the propriety of my course by my country men, whether friends or strangers to me?

33. From the knowledge which you possess, of the mode in which slave-trade operations are conducted and talked-of here, do you believe it possible that the Consul of the United States at this place should be, in any way, directly or indirectly, concerned or interested in that business without its coming to your ears?

34. Until the charges to that effect, recently made in the newspaper press of the United States, had you ever heard that the idea of my being in any way concerned or interested in the Slave-trade had ever entered the head of any one?

35. Has any ground whatever for any such belief ever presented itself to your mind?

36. Has any suspicion of the sort ever crossed your mind?

37. Now, that the charge has been made, do you attach

attach any credit thereto?

38. Do you positively disbelieve it?

39. Have you ever known an instance of a "false bill of sale of a vessel," or of a fictitious document of any sort, having been granted by me, or having issued from my office?

40. Have you ever heard of any such instance?

41. Do you believe that any such instance ever occurred?

42. Since this Consulate has been held by me, have you ever known an instance of a vessel which had arrived at this port under a foreign flag, having exchanged it for the flag of the United States?

43. Have you ever heard of any such instance?

44. Do you believe that any such instance ever occurred?

45. Since this Consulate has been held by me, have you ever known an instance of a vessel's leaving here under the American flag, whether for the coast of Africa or any other part of the world, which had not as absolute and perfect a right to leave, and to be exempt from all Consular interference in so doing, as any packet that ever cleared for the port of New York, or any sugar-laden ship that ever cleared for "Cowes and a market"?

46.

46. Have you ever heard of any such instance?

47. Do you believe that any such instance ever occurred?

48. Have you ever known an instance of any infraction or evasion of any law of the United States taking place through my connivance, or with it?

49. Have you ever heard of any such instance?

50. Do you believe that any such instance ever occurred?

51. Suppose a vessel to leave Havana under the Portuguese or any other flag, to be employed in the slave-trade; and suppose said vessel to be provided with a number of all the forms known to you as being used in the American Consulate at this place, said forms being signed in blanks by the Consul, and also sealed with the seal of the Consulate, "to be filled up at pleasure by the person in command of that vessel:" can you conceive a single use that any of such blanks forms could be put to?

52. Suppose an occasion to arise in which it should be desirable to make such vessel pass for an American vessel: can you conceive any possible way in which any or all of said blank forms, could be made to serve that purpose?

53. To the best of your knowledge and belief, has any vessel under the flag of the United States ever cleared from this port for the coast of Africa or

any

any other part of the world, which it was competent to the Consul of the United States to refuse to deliver the papers of, upon the demand of the master, or to interpose any other hindrance to the departure of?

54. To the best of your knowledge and belief, has any vessel under the flag of the United States ever cleared from this port for the coast of Africa or any other part of the world, which, had she been under the British flag, (all other circumstances being precisely the same) it would have been competent to the British Consul, under any British law, to refuse to deliver the papers of, upon the demand of the master, or to interpose any other hindrance to the departure of?

55. To the best of your knowledge and belief, has there ever been any more mystery or concealment at the Consulate of the United States, in regard to vessels destined to the coast of Africa, than in regard to those destined to New York or to "Cowes and a market"?

56. To the best of your knowledge and belief, has there ever been the slightest hesitation on the part of the Consul of the United States, or at his office in answering any enquiry of yours concerning any occurrence that might there have taken

place

X place or in imparting to you any informa-
tion which might be there possessed in regard
to the sale, a destination of a vessel, or any other
particular concerning her?

57. To the best of your knowledge and belief, did or
did not the same utter want of reserve prevail at
the Consulate of the United States towards the British
Commissioners on the Slave-trade and their Secretary,
until this state of things was reversed with respect
to them in the month of November 1836, in consequence
of a communication which they addressed to the
Consul?

58. To the best of your knowledge and belief, was or
was not the Secretary to the Commissioners in the
habit of paying frequent visits to the American
Consulate, kept in the same house where they had
their office?

59. To the best of your knowledge and belief, did or
did not the said Secretary ever fail to obtain from
the Vice-Consul, as a thing of course, answers to
any enquiries he might see fit to make?

(Signed) N. P. Trist.

November 9. 1839.

Havana Consulate No. 108. Enclosure No. 3.

Copy all

(Copy)

Havana 15 November 1839.

Sir,

To the Interrogatories contained in your letter of the 9th. instant, I reply as follows:

1. to the first, "never."
2. " second, "never."
3. " third, "never, until such imputations appeared in the public papers."
4. " fourth "I do not."
5. " fifth "most positively."
6. " Sixth "the very best, arising from our long official intercourse and private intimacy."
7. " Seventh "nothing."
8. 9. " Eighth and ninth "never except by the Journalists of the United States and in papers presented to the British parliament."
10. " tenth "on account chiefly of the latter viz: what is contained in the Parliamentary papers, I probably should have deemed it deserving of sufficient credit, to lead me to enquire

To Nx Trist Esq
Consul of the United States.
Havana.

enquire into the truth of the imputation."

11. to the eleventh "certainly not."

12. " twelfth "the very reverse, perhaps to a fault."

13. " thirteenth "By no means."

14. " fourteenth "none."

15. " fifteenth "Never."

16. & 17. " sixteenth and seventeenth "From your general as well as your official character I am convinced, that you would spurn the idea of making or suffering to be made any overcharge in your Consulate: nay, I perfectly remember, that, shortly after your arrival here to take possession of the consulate certain fees then charged were reduced, and the excess, which had been received, subse-quent to your appointment, was returned to the Houses, by which it had been paid.

18. " eighteenth I reply "Never."

19. " nineteenth "I have not; on the contrary I should say that, for the maintenance of the rights of your country and fellow citizens, you were sometimes disposed to show fight, a little more hastily than was required.

20. " twentieth "I have heard americans, who supposed themselves injured by the Govern-ment or Individuals of this place, complain,

that

that you did not take up their cause, but I am certain, that you never refused to do so, when they had justice on their side. In fact I remember instances in which Englishmen and Americans being jointly implicated, we have worked hand in hand to serve them, and that your aid on such occasions, was most willingly and efficiently given."

21. to the twenty first "Undoubtedly."

22. " twenty second "There is."

23. " twenty third, I answer "I should think so."

24. " twenty fourth, "I conceive there does, except among those to whom connivance at any evasion of the laws, is hateful."

25. " twenty-fifth, "never."

26. " twenty sixth "no."

27. " twenty seventh "I do not."

28. " twenty eighth "It has. Your determination to establish equal justice between Ship masters and their seamen, adopted from your very first arrival, I consider to be the foundation of all the clamours raised against you."

29. " twenty ninth, "With that exception I have not."

30. " thirtieth "I do not think it could."

31. " thirty-first "undoubtedly."

32. " thirty-second, "Never, I consider you, in

the

in the administration of Justice, to have pursued, without fear or favor, that course, which, in your conscience, you believed right

33. To the thirty-third I reply "utterly impossible".

34. " thirty-fourth "Never, Never. Had any one here started such an idea, he would have been laughed at by the respectable portion of the community, and by all your friends whose indignation was not raised by the iniquity of such an imputation

35. } " thirty-fifth, -sixth and seventh "Not the slightest."
36. }
37. }

38 " thirty-eighth "I disbelieve it in toto. I know it is false."

39. " thirty-ninth "Never."

40. " fortieth "I never heard it here, but I have seen it stated in papers presented to the British Parliament, that you had granted "false bills of sale for vessels".

41. " forty-first "I feel a delicacy in contradicting assertions thus put forward, but I conceive there must be some misunderstanding in the matter, or that the Bills of sale referred to were forged, for I am sure that you never in your life, executed a false document"

42. } " forty second, third and fourth, I reply that "so
43. } far from your having ever suffered a vessel
44. }

under

under foreign colors being here transferred to the American flag, — as I have known to be done by Consuls of the United States in other ports, you have completely set your face against such transfers; and in some instances, parties requiring them have held you responsible for not agreeing thereto."

45.
46.
47. } To the forty fifth, sixth and seventh, "I am not sufficiently acquainted with the laws of the United States to say, whether you could or could not, under the circumstances under which American vessels have left this port for Africa have prevented their departure, but I presume not, as vessels under precisely similar circumstances have been suffered to depart direct from the United States for Africa".

48.
49.
50. } To the forty eighth, ninth and fiftieth, I answer that "I am convinced you would not wittingly do or suffer such a thing."

51.
52. } " fifty first and second, "The forms used in the American Consulate are known to me, and I am not aware that any of them could be filled up so as to be put to such a use as you allude to, — certainly not to give an American character to the vessel of any other nation: tho' perhaps the blanks certificates might be so filled up as

to

to deceive ignorant or inexperienced persons on these points."

53. To the fifty-third, "I repeat that I am not sufficiently acquainted with American law to answer the question, but my impression is that an American Consul has no legal authority to detain a ship's papers or put obstacles in the way of her departure from the place of his residence, whatever her cargo or destination."

54. " fifty fourth, "I know of no British law by which it would have been competent for a British Consul to refuse to deliver the papers of a British vessel, when demanded by the master, or to interpose any other hindrance to her departure from the port of his residence, to whatever place she might be bound or whatever cargo she might have in: but in the event of British vessels clearing out here for the Coast of Africa laden with articles usually shipped for the purpose of purchasing slaves—, as several American vessels have done,— it would be his duty, acting under instructions given by Mr. Canning to the British Consul at Bahia in the year 1825 'to <u>discourage</u> such undertakings and report to the secretary of State the names, together with a particular description of such Englishmen as might be engaged in them'. It would also be his duty, I conceive, to do the

same

same, if such vessels, tho' in ballast, appeared, - like the Baltimore clippers, that have gone from hence to Africa, - to be of a class likely to be turned to ulterior slave trading purposes."

55. To the fifty fifth query I reply "To the best of my knowledge and belief there has not."

56. " fifty sixth, "I have always found the utmost readiness on your part to answer my enquiries on the subject."

57. " fifty seventh, "I have no means of answering this question positively. I should think not."

58. " fifty eighth, "The British commissioners at one time had their office under the same roof as your own, and I then frequently saw their secretary conversing with your vice Consul."

59. To the fifty ninth, I reply "I should think not but I cannot speak positively to the point."

I have the honor to be

Sir

Your most Obed.t Serv.t

(signed.) C. D. Tolmé

Havana 25 Nov.r 1839

I certify that the above is a true copy.

C D Tolmé

No 2 26 Dec

Mr Kinggold

House of Reps Dec 23d 1839

Dear Sir

I have received a letter requesting me to recommend a gentleman as a candidate to fill the American consulate at Havana. But before I do so, I take the liberty of requesting information from you, whether a vacancy now exists or is likely soon to occur in that consulate.

Very Respectfully
Your obt Servt
John Campbell

Hon John Forsyth
Sec of State

No 2 - 31 Dec

Mr Kingsford

Mr Fulton's respects to Mr Forsyth, and would thank him if he would be so good as to give the enclosed, a letter to Mr N. P. Trist, The proper direction, so that it may reach Mr Trist. It contains papers of value to him, Mr Fulton would also be thankful to know if Mr Trist is still in Cuba

Senate Chamber

Dec. 31st

1839.

Thesdon &c

John Forsyth

Secretary of State

Washington City.

Ha 2 - 26 Jany
Mr Ringgold

No. 109.

Consulate of the United States of America
Havana, December 31. 1839.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to enclose (Enclosures Nos 1, 2, & 3.) copies of the following documents:

No. 1. Memorial to N. P. Trist, Consul of the United States of America, from American Ship-masters trading with Havana, on the subject of the privilege granted at this port to the american steamer "Natchez". December 1839.

No. 2. Reply of the Consul. December 26. 1839.

No. 3. Letter from the Consul to the Intendant, December 27. 1839.

But for the extreme pressure under which I am with regard to time, I would here make some remarks on the topic brought up by this memorial. It has already, however, occupied more than was consistent with the claims of other subjects at this juncture. These urged me to make my reply as concise as possible; but, independently of the duty on my

part

part to give, under such circumstances, an explanation of the course which I deemed it right to pursue, the occation for correcting the extravagant misconceptions which prevail in regard to the nature of the Consular office, and which are really mischievous in more than one respect, was to good a one that it seemed wrong to allow it to pass altogether unimproved.

The excitement (which afforded ample opportunity for a parade of zeal in behalf of the interests of commerce & navigation) continues very great: fomented, of course, by all who have any motive of any kind for hostility to the arrangement; whether as a general thing or in this particular case. Upon the arrival of the "Natchez," captain Swiler told me that he would perhaps have occasion to call for my assistance in procuring such terms as would enable him to run his boat regularly between the two places. I promised, as I should have done to any other american captain, that if he found it necessary it would be cheerfully given. This necessity, however, did not occur: for I heard nothing more on the subject until the terms had been arranged to his satisfaction. I deem it decidedly improbable that they will be changed in any particular: although no means will be left untried to have it done. I have not learned whether it be a privilege

to

to this one vessel, or a rule applicable to all steamers; but I think that it cannot be intended to give it a general operation.

I am, Sir, very respectfully,

Your ob. Serv.t

N. P. Hill.

Havana Consulate No. 109. Enclosure No. 1.

Havana Consulate No. 137. Enclosure No. 32.

From American Ship-masters.

Havana December 1839.

To N. P. Trist Esqr.
Consul of the United States of America.

Sir,

The undersigned masters and owners of vessels now lying in the port of Havana, who are principally engaged in the carrying trade between this port and that of New Orleans, beg leave to re-present. That they have learnt with surprise that a certain steam vessel called the Natchez navigating under the American flag, and now plying between the above said ports, has obtained from the government authorities of this Island a privilege, whereby she is entitled to pay but a very small portion of the number of Tons of her measurement, and the subscribers verily believe the number of tons charged at the Custom House, does not exceed that of Eighty six, whilst she is publicly known to be of nearly Eight hundred tons burthen, creating by such a diminution in the expences of the said vessel, a saving of so great

an

an importance, as to enable the owners to carry on an unjust competition which must ultimately end, in the ruin and distress of those persons, now and hereafter engaged in the shipping trade between the two ports.

Your memorialists as owners and ship masters of vessels and as citizens of the United States of America, where justice is administered indiscriminately, and the law equally applied cannot view with indiference or some degree of excitement, the granting of an exclusive privilege to one party, in detriment, ruin and distress of themselves and their families, and without being guilty of a great moral responsibility in the sad neglect of those interests, which have been deposited in their hands and which they as honest men are bound to defend do therefore most solemnly Protest against the concession of any exclusive privilege granted or to be granted to the said steam vessel Natchez or any other of her class, not extended to other vessels of the same nation, whether navigated by steam or otherwise.

From what your memorialists have been able to ascertain, such a space has been taken into consideration in the measurement of the said steam vessel Natchez, wherein she can

really

really stow a cargo, and this after a hard work at reduction, is diminished to the number of Eighty six Tons, whilst her large and spacious cabins, the room allotted for the baggage of passen-gers, sailors forecastle and space occupied by the machinery in general have not been considered as integral parts of the said vessel, upon all of which the tonage duty is charged to every other vessel under the American flag.

It is not from any unfriendly feeling against the party or parties interested in the Natchez, that we now come forth in this man-ner before you, but it is from a quick and just sensation produced by the injurious influence such a measure is likely to have, that we feel ourselves in duty bound to lay our grievances be-fore you, so as to enable you, as the representative of our nation, to exact the observation and dis-tribution of that justice, for which our own native country is so justly renowned.

It would be a matter of superogation to attempt to enter into a disquisition of the un-just grounds on which a decided privilege has been granted to the owners or agents of the Natchez or in describing those feelings by which we are all animated, at the sight of so great and

imminent

imminent a danger, in which our constitue-
-ents our families and ourselves have been pla-
-ced; but convinced that you will feel with us
the hardness of our situation, beg leave to offer
in the annexed lines the object of this me-
-morial viz:

That the said steam vessel Natchez
or any other vessel of her class, should pay ton-
-age duty as paid by other vessels, allowing only
the bulk of the Engine to be deducted from the
admeasurement: or that all vessels in the trade
shall be placed on the same footing, or pay
duty on such proportionable weight of cargo
as they may have on board and they would
also solicit your attention to this important
matter, by making an application for redress
in such form and manner and so directed
as to be productive of the earliest attention to
the subject.

We remain Sir

Your obt. humble Servants

signed David Landon Brig Rudolph Groning
" Wm. H. Young Barque Clarion
" Solomon Taylor Brig Escalus
" Uriah L. Parker Brig Pastora
" Horatio N. Plummer Brig Attention

Richard

signed Richard. L. Ward Barque Rapid
" Alex B. Hanna Brig E. Davidson
" John. B. Comer Schr. Wasp
" Richd. H. Ellis Ship Hellespont New York
" Elbert Latham Ship Orbit New York
" P. Flowery Barque William & Francis
" Charles Richardson Brig Leontine
" Wm W. Huffington Brig El Caballero
" I. B. Sumner Brig Oglethorp
" James. M. Ireland
" Leon Russel Schr. Emblem
" Pedro Sabate Schr. Hero
" James Lawry Bark Rothschild
" Lewis Comier Schr. Creole
" N. T. French Ship Hermitage
" ~~E.~~ D. Manton ~~D. Sollaretta~~ Brig Caledonia.
" Edwd Gooding Brig Freighter
" Noah Nason Brig Lima
" Walter Carpenter
" D W. Thompson
" Gustavus Schneidau Schr. Coast Coon
" John Sepson Brig Rebecca
" Henry Place Schr. Virginia Antoinette
" John. N. Read Schr. Joseph Brown
" Isaac. S. Brookfield Schr. Delaware
" Wm Bowden Brig Sarah Ann Alley

Charles

signed Charles S. Williams Brig Boy
" Dudley P. Spofford Schr. John Spofford
" Thomas Tilden Schr Rocket
" Wm Decker Jr. Schr. Ceres
" Wm I McGilvery Schr. Rochambeau
" Thos P. Brown Schr. Orbit
" John C. Sanford Brig Annawon
" F. G. Sparks do. Fireman
" I Etcheberger Guat. Packet
" George Chason Ship Rosanna
" Jacob Corson Schr Elira ~~Hesperus~~ Meteorle
" Joseph Arquet Schooner Victory.

a true copy J. F. Mills

Havana Consulate No. 109.

Enclosure No. 2.

Havana Consulate No. 137.

Enclosure No. 33.

To American Shipmasters.

Consulate of the United States of America
Havana, December 26th 1839.

To Captains David Landon, John. H. Young, Solomon Taylor, Uriah. L. Parker and others, signers of the memorial on the subject of the steamer "Natchez."

Gentlemen,

Since its receipt on yesterday, the memorial which you have addressed to me on the subject of the privilege granted at this port to the American Steamer "Natchez," has received my most attentive consideration; and the result is a determination to transmit it to the Secretary of State at Washington, after laying, as I shall forthwith do, a portion of it before the Intendant at this place, from whom, I doubt not, it will receive the attention to which the importance of the subject entitles it at his hands.

If I do not communicate to him also, a copy of the entire document, it is only because I deem the omission of certain parts of it incumbent

=bent upon me: with a view to your interests on this particular occasion, no less than to the harmonious relations which it is my duty to maintain, undisturbed as far as possible, with the authorities of the country. Whatever be the influence with those authorities, which it may belong to the holder of this office to exercise in behalf of our commercial or navigating inter=ests, it can never be otherwise than injuriously affected by any unfounded pretension on his part: such as would be involved in my communicating your memorial to them, with=out leaving out of it parts that could have no other effect than to produce irritation, adverse to the dispassionate and friendly attention which is due to the subject.

Such is the character of that passage, particularly, wherein I am called upon, "as the representative of our nation, to exact the observation and distribution of that justice, for which our own native country is so justly re=nowned." Independently of the contrast in which our country is here presented with that wherein we now are, as one from which justice has to be <u>exacted</u>, it evinces an altogether erroneous impression with regard to the nature of the office

held

held by me, which is not shared by those upon whom solely, in the first instance, at least, depends the settlement of this subject in a manner accordant with your wishes. They know full well, that the sense in which a Consul is entitled to be considered the represen- tative of his nation is an exceedingly limited one: the proper functions of his office consisting, almost, if not quite, exclusively in those with which he may be charged as a Minister of the law of his own country, allowed to reside upon foreign territory; and that if, owing to the distance of the metropolis, where foreign nations are represented in the true sense of the word, by agents of a different and less restric- ted character, this character be allowed, as it here is allowed, to be put on in some mea- sure by Consuls, this happens, not through any absolute obligation, but through courtesy on their part, and as a concession for the mu- tual convenience of the parties. This is what every Consul knows, who understands at all the nature of the office with which he is en- trusted; and no such Consul will ever be unmindful, that it is among the first of his duties to avoid making an abuse of a con-

cession

=cession so beneficial in its tendency and opera=
=tion to those in whose favor it is made, and
having necessarily attached to it, as indispensa=
=ble to its continuance no less than to its effica=
=cy on any particular occasion, the condition
that it shall be used discretely and with
proper respect for the rights of those from
whom it proceeds.

This duty, I should be particularly
wanting in, were I to advance the most
distant pretension to the right, which you sup=
=pose in me, to dictate or exact anything
whatever on the present occasion: the sub=
=ject being one, in regard to which, not only
do I possess no such right, but, in strictness
it belongs not to a Consul to pretend to inter=
=fere even so far as I shall do by my commu=
=nication to the Intendant.

Such are the views which must go=
=vern my course; aware though I be, that
it will fall far short of the expectation which,
through the erroneous ideas that are so preva=
=lent in regard to the nature of the Consular
office, you have been led to form. Nothing
is easier on occasions of this sort, than to
make a parade, in words that cost nothing,

of

of a national spirit that, in its ardor, oversleaps all bounds. Our country has already acquired a weight in the scale of nations, sufficient to make her an object of dread to the weake, and to enable a Consul so disposed to abuse her power by assuming a tone and bearing which the timidity of their agents will prevent them from resenting in the manner it would be by those of a more powerful state, and should be by all. But, whatever may be the immediate fruits of such conduct, no American Consul can thus act without proving the instrument of ultimate injury no less than of dishonor to his country; and he who so deports himself, not through misconception of his duty, but through a wilful departure from what he knows to be right, is a traitor, who sells her true interest and her true honor, for a garb of Sham-Patriotism, in which to practice imposture upon his fellow-citizens. Our country has, I trust, a higher destiny before her: that of controuling, with a rigidness that shall encrease as her strength encreases, all disposition on the part of her servants to a cowardly abuse of their power to insult with impunity

impunity; and of retaining, as her proudest distinction among the family of nations, a regard for the rights and the feelings of others, which shall become scrupulous in proportion as her might becomes imposing.

Although the course which you may have expected of me is one that cannot be pursued, no ~~one~~ person in the slightest degree acquainted with my character will do it such injustice as to suppose me indifferent to the consequences which, so manifestly, must ~~result~~ result to the interests of a portion of you, at least, from the operation of the privilege in question. Such consequences could never fail to be a subject of sincere regret to me, even if those upon whom they bore were foreigners, having no other title to my sympathy than that of their being fellow-men. In the present case, that sympathy cannot but be the stronger from the fact that the sufferers are my own countrymen.

The views which you have taken of the subject, and the feelings which these have awakened are perfectly natural. I am disposed, however, to consider the alarm occasioned by it greater and more

extensive

extensive than the result will be found to warrant. The detriment to your interests will not, I think, extend beyond that which may prove inseparable from the advan-=tage accorded to the "Natchez," limited to the one case. This, no doubt, cannot fail to be severely felt, to the full extent of the capa-=city of that vessel to supply the demands of the New-Orleans trade; and its operation will prove the more irritating from the very circum-=stance which will (I believe) limit the detriment in point of extent: I mean the <u>privilege</u>, which grates so harshly upon the feelings of a man brought up in our land of <u>equal rights</u>; but which, it must be borne in mind, has, under the operation of her equal laws, even proved, times without number, the cause of most grievous disturbances in the es-=tablished channels of industry; and cannot but be expected to prove so, to a far greater extent, in a country whose go-=vernment rests upon principles the very reverse of those which determine the action of ours, and is emphatically a government

of

of privilege. But for this fact, there would be no room for doubt in regard to what I see no reason to apprehend: that the advantage accorded to the "Natchez" would be extended to all other steamers, and that the competition of that description of vessels would immediately drive all others from the trade.

I am gentlemen very respectfully

Your Obed.t Serv.t

(signed) N. P. Trist

Havana Consulate No. 100.

Havana Consulate No. 137.

Enclosure No. 3.

{ Enclosure No. 33.
{ Sub-enclosure

To the Intendente.

Consulate of the United States of America
Havana, December 27. 1839.

I beg leave to submit for Your Excellency's consideration the enclosed paper, part of a memorial addressed to me by forty-three american ship-masters now, or recently, in this port, on the subject of the advantage over other vessels, in regard to tonnage, said to have been conferred upon the steamer "Natchez". The precise object of the memorialists is expressed in the concluding paragraph, as the motives which have impelled them to this step are in those which precede it.

It will be perceived, that the alarm awakened by the subject is intense; and my constant experience of Y. E.'s friendly regard for the flag of the United States

conspires

conspires with what is known to all in regard to the eminent zeal and ability with which every thing interesting to commerce has been directed by you, to inspire me with perfect confidence that your attention will be given to this important question in a manner which will leave nothing to be desired.

I have the honor to be, with the highest consideration,

Your Excellency's

Obed.t Serv.t

(Signed) N. P. Trist.

Recd 26 Jany
Mr Kingsbd

No. 110. Subpoena sent to Dis. Atty. NO.

[Consulate of the United States of America
Havana, Jan: 10. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to acknowledge the receipt, on the 8th inst, of your favor of the 18th ult, with its various enclosures; one of which, the Subpoena mentioned in the postscript of December 21st, is now, agreeably to the direction therein contained, transmitted back, with my certificate of acknowledgment of service.

W. Smith — as I have had occation to mention many times in my communications to the Department — is an old man in very infirm health; and yet more sensible, although in a different way, to the influences of cold weather than I; who, with far less suffering or no suffering at all, should incur decisions risk by exposing myself to it. It is nevertheless our intention to be at Baltimore on the 1st monday in april: an intention which, on my part however, is accompanied with the reservation, that when the

time

time shall arrive for my leaving here, the condition of my throat & chest shall be such as not to render the step irreconcileable with that degree of prudence in regard to this particular point, which I long since made up my mind that nothing earthly should have power to make me deviate from.

In its bearing upon my course under this determination, a difference of one or two weeks in the time fixed for my appearance at Baltimore may prove all-important. This might be the case, even without reference to the very great difference at this end of the line, which may depend upon a very small one at the other. From the necessity of being there on a particular day, might arise that of my availing myself of a conveyance hence, one, two or three weeks earlier than another. As I am anxious to be in Baltimore, if possible, at a time that shall prove satisfactory to the court, I beg leave to request that I be immediately informed, by triplicate, whether the obligation to be there on the very day named be so peremptory as to leave no middle course between absolute punctuality and an utter failure to comply with the summons. As my going or not going may possibly turn entirely upon this

point

point, it is desirable that I be informed of the fullest latitude of discretion rendered possible in regard thereto, by the duration of the sitting of the court and other circumstances.]

At this particular juncture especially, I deem it best to avail myself of your offer to send out some one to take charge of the Consulate during the absence of myself & W. Smith.— My clerk, W. Coutoe, is familiar with the routine of a Consulate as well as with the application of the particular rules established by myself: so that, with his assistance, the person sent out by you, however inexperienced, will be at no loss how to proceed. With a new hand, however, the disposition to break through my rules & return to old ways will manifest itself very strongly; and it is in this respect highly important that his character for independence & firmness should be such as to make it at once manifest that a struggle of the kind need not be attempted. Scarcely a case can occur, in which W. Coutoe will not be able to inform him exactly what I would have done. He will have no other trouble, therefore, than that of maintaining the positions which I have fortified; and which it but very seldom happens now,

that

that any one thinks it worth while seriously to attempt to drive me from. Here, the great contest is entirely over, and the reign of law so fully established that all hopes of a better state of things have reference to the time when I shall have been got rid of: whether by removal or murder by a hired knife (which is openly talked of even in our country) depends upon the President.

The case of the Catherine is one in regard to which I know absolutely nothing. Every thing that occurred at this office with regard to her is matter of the merest routine; such as seldom comes under my notice, and never leaves the slightest trace upon my memory. But the documents now transmitted by you are in themselves abundantly sufficient to make it, to any mind conversant with the subject, a case of obvious perjury on the part of captain Wedge. Not only is this the general complexion of his account of the matter, but he actually swears to a specific fact (and vitally important) point which is specifically contradicted on the face of both the documents which he produces from this Consulate.

As W. Smith may die before having an opportunity to tell the truth of the matter in open court, I have taken his declaration, which is

Now

now enclosed. For the corroboration of this ac=
count no testimony is requisite. The proof stands
upon the face of the first endorsement on the Re=
gister of the Catherine and of both documents
from the Consulate produced by Wedge.

I am, Sir, in great haste,
very respectfully,
Y. Ob't Serv't.
S. P. Hill.

No 2 3 Feby
Mr Kingsold

Duplicate

No. 110

Consulate of the United States of America
Havana, Jan: 10. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

I have the honor to acknowledge the receipt, on the 8th inst, of your favor of the 18th ultº, with its various enclosures; one of which, the subpœna mentioned in the Postscript of December 21st, is now, agreably to the direction therein contained, transmitted back, with my certificate and acknowledgment of service.

W. Smith — as I have had occasion to mention many times in my communications to the Department — is an old man in very infirm health; and yet more sensible, although in a different way, to the influences of cold weather than I; who, with far less suffering or no suffering at all, should incur serious risk by exposing myself to it. It is nevertheless our intention to be at Baltimore on the 1st Monday in April: an intention which, on my part however, is accompanied with the reservation, that when the time shall arrive for my leaving here, the condition of

my

my throat & chest shall be such as not to render the step irreconcileable with that degree of prudence in regard to this particular point, which I long since made up my mind that nothing earthly should have power to make me deviate from.

In its bearing upon my course under this determination, a difference of one or two weeks in the time fixed for my appearance at Baltimore may prove all-important. This might be the case, even without reference to the very great difference at this end of the line, which may depend upon a very small one at the other. From the necessity of being there on a particular day, might arise that of my availing myself of a conveyance hence, one, two or three weeks earlier than another. As I am anxious to be in Baltimore if possible, at a time that shall prove satisfactory to the court, I beg leave to request that I be immediately informed by triplicate, whether the obligation to be there on the very day named, be so peremptory as to leave me no middle course between absolute punctuality and an utter failure to comply with the Summons. As my going or not going may possibly turn entirely upon this point, it is desirable that I be informed of the fullest latitude of discretion, rendered possible in regard thereto, by the duration of the sitting of the court & other circumstances.

At this particular juncture especially,

I

I deem it best to avail myself of your offer to send out some one to take charge of the Consulate during the absence of myself & W. Smith. My clerk, W. Crabbe, is familiar with the routine of a Consulate, as well as with the application of the particular rules established by myself. So that with his assistance, the person sent out by you, however inexperienced, will be at no loss how to proceed. — With a new hand, however, the disposition to break through my rules and return to old ways will manifest itself very strongly; and it is in this respect highly important that his character for independence and firmness should be such as to make it at once manifest that a struggle of the kind need not be attempted. Scarcely a case can occur, in which W. C. will not be able to inform him exactly what I would have done. He will have no other trouble, therefore, than that of maintaining the positions which I have fortified; and which it but very seldom happens now that any one thinks it worth while seriously to attempt to drive me from. Here the great contest is entirely over, & the reign of law so fully established, that all hopes of a better state of things have reference to the time when I shall have been got rid of: whether by removal or murder by a hired knife (which is openly talked of even in our country) depends upon the President.

The case of the Catherine is one in regard to which I know absolutely nothing. Every thing that occurred at this office with regard to her is matter of the merest

rou=

routine; such as seldom comes under my notice, and never leaves the slightest trace on my memory. But the documents now transmitted by you are in themselves abundantly sufficient to make it, to any mind conversant with the subject, a case of obvious perjury on the part of captain Wedge. Not only is this the general complexion of his account of the matter; but he actually docars to a specific (and vitally important) point, which is specifically contradicted on the face of both the documents which he produces from this Consulate.

As W. Smith may die before having an opportunity to tell the truth of the matter in open court, I have taken his declaration, which is now enclosed. For the corroboration of this account no testimony is requisite. The proof stands upon the face of the first endorsement on the Register of the Catherine and of both documents from the Consulate produced by Wedge.

I am, Sir, very respectfully
Your Obed.t
A. P. Hill.

P. S. — Jan: 17. The declaration of W. Smith, above-mentioned, does not accompany this duplicate, because of the want of time for making another copy besides the one which I retain until the receipt or the loss of the other shall become known to me. The duplicate of your favor of the 18/21 Dec.r has just come to hand via New Orleans.
A. P. H.

Havana Consulate No. 110. Enclosure No. 2.

Case of the Schooner Catherine of Baltimore, stated by John A. Smith, Vice Consul of the United States of America at Havana.

On the 25th of May 1839, the said Schooner was reported at this Consulate, as having arrived from Baltimore in ballast, by William L. Wedge, the master, who did then, and there deposit his Register according to law and custom.

On the 31st of May 1839, the crew with the exception of the mate, Andrew Morrow, were brought to the Consulate, and discharged by the master according to law.

On the 8th of June, Captain Wedge brought to the Consulate ~~the mate~~ his mate, Andrey Alconof, until then unknown to me, whom he introduced for the purpose of having the Register endorsed over to him as master of the Catherine: he - Wedge, intending to return to the United States. — Morrow therefore had the oath administered to him, and was endorsed upon the Register in the usual way.

Besides this transfer of the command of the vessel to his mate, Captain Wedge transfered the power of attorney to dispose of her, which he held from her owners, from himself to Mr Charles Tyng a Ship broker of this place, who acted as consignee of the vessel, and who informed me that he had chartered her to carry cargo to the coast of Africa.

This

This substitution was made out and executed in this consulate. It was not recorded here, because documents of this kind never are recorded, except at the special request of the parties or some of them: for which there is a seperate charge from that of making out the instrument and authenticating it. —
The precise date of this substitution, I cannot give.
I have this day, by direction of the Consul, been to Mr Tyng's office for the purpose of seeing the letter of attorney and also of obtaining a copy of the Charter Party, which the Consul informed me he had, in the forenoon, desired Mr Tyng's clerk to request Mr Tyng to furnish. I saw Mr Tyng at his office, and he told me that all the papers in the case are in the hands of his lawyer in the United States, which is the reason why he cannot furnish a copy of the Charter Party.

Captain Wedge sailed for the United States a few days after receiving the certificate of the discharge of the five seamen on his crew list, and also a receipt for the three months extra pay for three of the men who were on it as american citizens. The new master — Captain Morrow, remained in charge of the vessel until the 28th day of June. Some days before this, Mr. Tyng, the consignee, told me he should have to get another master for the Catherine; as Captain Morrow was in the habit of getting intoxicated, and he did not think it safe to let him go as master.

On the 28th of June, Frederick A Peterson,

mate

mate of the Brig Audabon of New Orleans, was discharged by Captain Sabate; and the extra wages were paid into the Consulate. Mr. Tyng appointed him master of the Schooner Catherine. He was, on that day, endorsed upon the Register as master in the place of Captain Morrow. Peterson showed me his certificate of citizenship; and moreover he was certified as a citizen of the United States upon the crew list of the Audabon.

It is untrue that Captain Wedge discharged his crew. He discharged all his crew except the mate, whom he retained for the purpose of making him master of the Schooner. It is untrue that he surrendered the Register. He did the reverse of this, by having the right to receive the Register transferred to Morrow as the new master, and leaving the Schooner in his charge as such, and in that of Mr. Tyng as consignee and attorney of the owners. There was no surrender of the Register, nor any intimation that the vessel had been sold, or was to be sold here, but just the reverse of all this. — Had she been sold, the Bill of Sale must have been passed either at this Consulate or at the Comandancia of Marine. In the former case, the Register would have been cut in two at this office, and one half delivered to the vender with a Consular certificate attached, to enable the parties to cancel their bond at the Custom-House in the States, and the other half would have been sent to Washington. In the other case, the Register would have been called for from the Marine, to cut off part of it, and the remainder would

have

have been returned to this Consulate, to be delivered to the vender if he applied for it or to be transmitted to Washington if he made no such application.

Captain Wedge did receive an order on the Captain of the Port for his Crew list. This was because it was necessary to inspect it at the Consulate, to make sure as to what crew he had brought here and which of them were down as american citizens. This had nothing to do with any surrender of the Register. It is what is always done when any seaman is to be discharged from any American vessel, unless the master says that he is down in the list as an American citizen, and is therefore ready to pay the extra wages - which the Consul is bound to exact for all such. In such case it is not necessary to inspect any thing but the Articles; and the Crew list is not sent for.

J. A. Smith.

Havana, 9th January 1840

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America*, Do Hereby Certify, That, on the day of the date hereof, before me personally appeared John A. Smith, Vice-Consul of this Consulate, and Subscriber to the declaration hereunto attached, who, being duly sworn, did declare the same to be, to the best of his Knowledge and belief, true and correct.

In Testimony whereof, I hereunto set my Hand, and affix my Seal of office, at Havana, this 10th day of January in the year of our Lord, one thousand eight hundred and ~~thirty~~ Forty and of the Independence of the United States the Sixty-fourth

N. P. Trist.

No. 6 Feby
Mr Kingsford

No. 111

Consulate of the United States of America
Havana, Jan: 18. 1840.

Hon: John Forsyth
Secretary of State.

Sir,

The departure of the Brig "Rebecca" for New York induced me to hasten the transmission of the enclosed documents, that the means of understanding the subject may be at hand, should the attention of Government be invoked to it.

The purport for which specially they have been secured is that of illustrating the mode wherein, according to the (so far as I know universally) prevalent notion among our merchants, Ship-owners, Ship masters & lawyers, a vessel may acquire the right to navigate the high-seas under the American flag.

It will be perceived at a glance, that, agreeably to this doctrine, as here exemplified in practice, a Sale (real or pretended) to an American citizen is the one only requisite for entitling any Slaver, (on her re=

turn

turn to this port from the coast of Africa, under the Spanish or the Portuguese flag or no flag at all) to the American flag & American documents for her protection on her way back in quest of another cargo of Slaves: which documents, the Consul cannot be otherwise than "bound to give, at his peril"; i.e. under the manifold responsibilities & penalties, in point no less than reputation, attached to the offence of failing to give due protection to "american property."

No less evident to one upon this theatre (as it shall be made to all eyes) is the truth, that, so far from any necessity having existed for the American Consul at Havana to engage in a game, at the same time so miserably piddling & so fraught with danger as that of "signing blank forms, to be filled up as occasion might require," a fortune of from a quarter to a half million of dollars could not have failed to be the fruit of a mere connivance (in a legal sense, utterly irresponsible connivance) on his part with the practical working of the doctrine here brought into view: a doctrine which not only

had

had never, in a single instance, been by him made the ground of action; but, acted upon by others, had, in the face of Notarial protests and threatened vengeance in every shape, legal & illegal, been treated by him as if, instead of the universal sentiment whereby it is upheld, there existed against it an adverse Sentiment of equal universality.

The documents will be seen to relate to the Brig "Rebecca", John Lepton master. Her arrival at this port from New Orleans was reported at this Consulate by the master on the 19th of October; on which occasion, one of the partners of the house of Ferran, Sociat & Co, her consignees, upon stating to my Deputy Consul (by whom the report of her arrival was received) that they held a power to sell her, was informed that she could not be sold with the American flag. The quality which rendered her saleable in this market being thus taken from her, it was subsequently proposed that she should be allowed to clear for a port of the United States under our flag; but the ground taken by me on the subject (which has been explained in former communications) rendering this impossible, she has, after a

long

long delay, recently left here for New York, under the Da= nish flag. (which flag has recently been procured also for another vessel, the Brig "Leontine," the new name under which the "Charles Edmondston" (one of the so called "Sea-Letter" — i.e. Bill of Sale — vessels, which came here in the early part of last year — March 26 — for the pur= pose of being sold with the flag) recently came back, under the american flag (to make a new effort to be sold with that flag) from New Orleans, whither she had gone under the Spanish, owing to the impossibility of her being cleared by me under ours.)

Of the documents enclosed,

No. 1. Shows that the Brig "Rebecca" was an En= glish vessel, sold at Tampico in July 1839. This doc= ument consists of three parts: 1st A description of the instrument of conveyance in the Spanish language, whereby she became the property of Sosé Aristides Del= vaille, of New Orleans; 2nd Copy of the certificate of the Consul of the United States of America at Tam= pico; 3rd copy of the certificate of the Vice Con= sul of H. B. Majesty at Tampico.

No. 2. Is a description of the letter of attorney

from

from Delvaille, of New Orleans, to Ferran, Social & Co, of Havana, empowering the latter to sell the "Rebecca of the Port of New Orleans."

No. 3. Crew List brought by the "Rebecca" from New Orleans. (Wherein, no doubt through oversight of some clerk, she is called the "Rebecca of Tepton.")

No. 4. Copy of the clearance of the "Rebecca" at New Orleans, October 1. 1839. (Wherein the blank space left in the printed form for writing the proper word before "built" is left unfilled.)

I am, Sir, very respectfully,

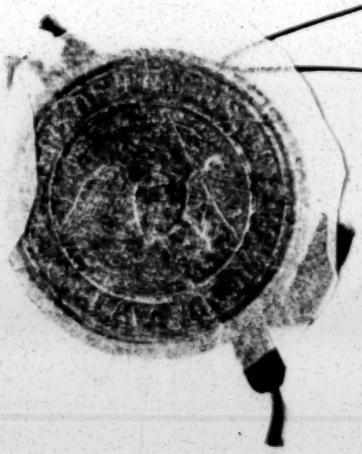
Y. Obt. Servt.

P. S. Another instance of the carelessness which prevails in regard to the filling up of Custom House documents was pointed out to me by the Vice Consul, on the 15th inst., in the Register of the Schr. "Merchant" of New Orleans, Noel Padovini master: the blank space for the name of the master is unfilled.

P. S.

CONSULATE OF THE UNITED STATES OF AMERICA.
HAVANA,

I, NICHOLAS P. TRIST, *Consul of the United States of America,* **Do Hereby Certify,** That the documents hereunto annexed consist of 1st a true description of a certain instrument of writing in the Spanish language; and, 2cd & 3rd, true & exact copies of the certificates thereunto attached: The original of which documents was presented at this office on the 19th of October 1839, by J. Jepton, master of the Brig Rebecca, as the document with which said vessel ~~vessel~~ was navigated.



In Testimony whereof, *I hereunto set my Hand, and affix my Seal of office, at Havana, this* 6th day *of* January *in the year of our Lord, one thousand eight hundred and* ~~thirty~~ forty *and of the Independence of the United States the* ~~sixty-fourth~~

N. P. Trist.

No. 1.

A Document in the Spanish language, occupying six foolscap pages, on stamped paper of the Mexican Government. This document shows that the English Hermaphrodite Brig "Rebecca" was seized and sold for breach of the Mexican revenue laws, at Santa Anna de Tamaulipas on the 26th. day of July 1839. The vendor is Francisco Valley. The purchaser is Jose Aristides Delvaille, master of the American Schooner G. H. Wetter. The price ($2000) Two thousand dollars. — This document is certified to be a true transcript, by Juan de Escovar, Notary Public at Santa Anna de Tamaulipas, on the 27th. day of July 1839.

To the above described document is attached the following certificate from John G. McCall, Consul of the United States of America at Tampico, which certificate is followed, upon the second leaf of the same

sheet

sheet of letter-paper, by the certificate of "Joseph Tucker Crawford, Her Majesty's Vice Consul for Tampico &c."

N. P. Willis.

Jan: 6. 1840.

No 2.

Consulate of the United States
of America Tampico August 3rd. 1839.

I John. G. McCall Consul of the United States of America for the port of Tampico do hereby certify that the signature Juan de Escovar to the annexed certificates and bill of sale subscribed is of the true and proper hand writing and usual signature of Juan de Escovar a Notary Public of this city duly authorised and commissioned as such and to the same full faith and credit are due.

I do also hereby certify that A. Delvaille the purchaser of the Brig Rebecca mentioned in the annexed bill of sale is a Citizen of the United States of America and is now master of the American Schooner Geo. H. Wetter of New Orleans. That the above mentioned sale is truly and fairly made and that in consequence the said Brig Rebecca is American property.

Witness my hand and seal of Office at Tampico this third day of August A. D. 1839.

Seal

(Signed.) Jno. G. McCall
Consul.

A true copy, compared this day. Jan: 6. 1840.

by N. P. Trist.

Consul of the U. S. of A. Havana.

British Consulate
Tampico

Joseph Tucker Crawford
Her Majesty's Vice Consul
for Tampico &c.

I do hereby certify that the signature "Jno G: McCall" on the first side of this sheet written is the true and proper hand writing and usual subscription of John G: McCall Esq.r Consul of the United States of North America resident in this city and that to all public acts by him so subscribed due faith is and ought to be given. At the office of Her Majesty's Consulate in Santa Ana de Tamp.co this 3.rd day of August 1839.

(Seal.)

(signed) Jos: T: Crawford
Vice Consul.

A true copy, compared this day. January 6. 1840.
by J.P. Hill.
Consul of the U.S. of A. at Havana.

Havana Consulate No. 111. Enclosure No. 2.

A letter of attorney, from Joseph Aristide Dela=
ville of New Orleans, to Ferran, Socias & Co. of
Havana, executed September 30th 1839, before
Laroque Turgeau, Notary Public at New Orleans,
empowering said attornies "to sell and dispose, for
the best price or prices that can be had or gotten,
either by public auction or private contract, as
his attornies shall think fit for his most benefit
and advantage, all that good Brig or vessel
called the Rebecca, of the Port of New Orleans."

The above described letter of attorney had at=
tached to it the authentication of the Governor of
the State of Louisiana, A. B. Roman, countersigned
by the Secretary of State, Thos. Bullard, under date
30th of September 1839. And to this authentication
is attached that of the Spanish Consul at New
Orleans, Antonio Argote Villabos, under the
same date.

Copy

Consulate of the U. S. of America
Havana. } I, Nicholas P.

Trist, Consul of the U. S. of A. do hereby certify that the foregoing is a true description of the document therein referred to, which has been procured by me for the purpose of examining it, from Messrs Perran, Socias & Co of this city. — In Testimony whereof I hereunto set my hand and affix my Seal of office this 6th day of January 1840, and of the Independence of the U. S. the 64th

N. P. Trist.



Havana Consulate No. 111.

Enclosure No. 3.

List of Persons

Composing the Crew of the Brig Rebecca of Tipton whereof is Master Tipton bound for Havana.

NAMES	PLACES OF BIRTH	PLACES OF RESIDENCE	OF WHAT COUNTRY CITIZENS OR SUBJECTS	DESCRIPTION OF THEIR PERSONS				
				Aged	Height feet	Height inches	Complexion	Hair
J Tipton			United States.		5	4 1/2	Light	Dark
Henry Young 1st Mate	Mass[illegible]	New Orleans	do	44				
~~J. Sherman~~		New Orleans	do	46	5	10	Dark	Brown.
J Mitchell	New York	do.	do.	34	5	9	Brown	Blue.
Benj[a] H Roe	Patches cy	New York	do	35	5	7 1/4	Yellow	Brown.
Hy Mc Kay.	Hudson	Maine	do.	24	5	7 3/4	Light	Dark.
James Clark	Burlington	Vermont	do	21	5	8	Dark	Black
Andrew Johnson	England	Massachusetts	do.	26	5	2 1/4	Dark	Dark
John Jordan	no proof							

I John Lepson do solemnly, sincerely, and truly Swear that the within List contains the names of the Crew of the Brig Rebecca together with the Places of their Birth and Residence, as far as I can ascertain the same.

Sworn this 19 day of October 1839

Before me D O Hincks Dep Collector.

I do certify, that the within is a true Copy of the List of the Crew of the Brig Rebecca of J Lepson is Master, taken from the Original, on file in this office.

Given under my Hand and Seal of Office, at the Custom-House, this 19 day of October in the Year of our Lord one thousand eight hundred and 39

D O Hincks Dep Collr

I do hereby further certify, That the within named John Lepson, J. S Sherman, J Mitchell, Benj.n St. Roe, Henry McKey, James Clarke, Andrew Johnston.

who compose the company of the above mentioned Brig whereof is at present Master, have produced to me proof in the manner directed in the Act entitled "An act for the Relief and Protection of American Seamen." And pursuant to the said Act and to the Act Supplementary to the Act concerning Consuls and Vice-Consuls, and for the further protection of American Seamen, I do hereby certify, that the said

are citizens of the United States of America,

Given under my Hand and Seal of Office, this 19th day of October 1839

D O Hincks Dep Collr

Brig.n Am.a Rebecca

Habana 19 Octubre 1839.

Havana Consulate No. 111.

Mr Clerk

Enclosure No. 3.

Havana Consulate No. 111. Enclosure No. 4.

District of Mississippi.
Port of New Orleans.

These are to Certify all whom it doth concern that John Ipson Master or Commander of the Brig Rebecca burthen 197 83/95 tons or thereabout mounted with no guns, navigated with seven men built and bound for Havana having on board a cargo as per manifest annexed, hath here entered and cleared his vessel according to law.

Given under our hands and seal, at the Custom House of New Orleans, this First day of October one thousand eight hundred and thirty nine and in the 64 year of the Independence of the United States of America.—

(Seal)

(sig'd) D. Prieur.
Collector.

(sig'd) H. D. Peire
Naval Officer.